Friday, December 2, 1955

LOK SABHA DEBATES

(Part I—Questions and Answers)

VOLUME VII, 1955

(21st November to 23rd December, 1955)

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(Vol. VII contains Nos. 1 to 26)

LOK SABHA SECRETARIAT
NEW DELHI

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Acc. No. 25497
Dated 11.02.20

LOK SABHA

Friday, 2nd December, 1955

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

चीन के साथ विद्यार्थियों का आदान प्रदान

*३७८. **श्री श्रीनारायण दास** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या भारत और चीन के बीच विद्यार्थियों के आदान प्रदान की योजना का विस्तार करने के सम्बन्ध में विचार किया गया है;

(ख) यदि हां, तो उसकी रूप रेखा क्या है; और

(ग) अभी एक दूसरे के देश में कितने विद्यार्थी अध्ययन कर रहे हैं और वे कौन से विषयों का अध्ययन कर रहे हैं ?

शिक्षा मंत्री के सभासचिव (डा० एम० एम० दास) : जी नहीं ।

(ख) प्रश्न उत्पन्न नहीं होता ।

(ग) प्रत्येक देश से दस छात्र । चीन के छात्र अंग्रेजी, परिशयन, उर्दू और हिन्दी पढ़ रहे हैं और भारतीय छात्र चीनी भाषा, चीनी इतिहास, इस्पात के कारखाने की ट्रेनिंग, चीनी अर्थशास्त्र, सिंचाई, जलगति शास्त्र (हाई-ड्रोलिक्स) चित्रकारी और पीतल पर सुनहरी पालिश का कार्य सीखेंगे ।

श्री श्रीनारायण दास : क्या मैं जान सकता हूं कि ये विद्यार्थी जो यहां से भेजे गये

हैं या वहां से लिये गये हैं वे किस योजना के अन्तर्गत भेजे या लिये गये हैं ?

Dr. M. M. Das : There are two schemes. One is the Foreign Languages Scholarship Scheme of 1955-56. The other scheme is Exchange of Students with China.

श्री श्रीनारायण दास : क्या मैं जान सकता हूं कि हिन्दुस्तान से और विद्यार्थी भेजे जाने वाले हैं, यदि हां, तो वे कब भेजे जाने वाले हैं ?

Dr. M. M. Das. So far as the Indian students are concerned, the selection has been completed only the other day. The Indian students have not yet left for China. The Chinese students have come.

श्री श्रीनारायण दास : इस तरह के विद्यार्थियों का चुनाव किस तरह से होता है?

Dr. M. M. Das : By a duly constituted selection committee.

Shri B. S. Murthy : May I know how many students have been selected to study Chinese language and literature ?

Dr. M. M. Das : That break-up is not with me. There are ten students. Three students are for Chinese language, under the Foreign Language Scholarship Scheme and seven other students are for the other subjects which I have already mentioned.

गांधी विचारधारा संम्बन्धी गवेषणा

*३७९. **श्री एम० एल० द्विवेदी** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि क्या विश्वविद्यालयों में गांधी-विचारधारा सम्बंधी गवेषणा आदि को प्रोत्साहन देने के प्रश्न पर विचार किया जा रहा है ?

शिक्षा मंत्री के सभासचिव (डा० एम० एम० दास) : हां, जी ।

श्री एम० एल० द्विवेदी : मैं जानना चाहता हूं कि यूनीवर्सिटीज में जो गांधियन विचारधारा का अनुसंधान किया जा रहा है उसकी रूपरेखा क्या है ? What are its main feetures ?

Dr. M. M. Das : That has yet to be worked out. Only the proposal is there.

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता हूं कि क्या सरकार यूनिवर्सिटी को इस काम के लिये कुछ विशेष अनुदान देने की बात सोच रही है ? यदि हां, तो क्या इस पर विचार किया गया है, और किया गया है, तो क्या ?

Dr. M. M. Das : These recommendations for establishing chairs in Gandhian philosophy in some of our Universities are under the consideration of Government.

Shri T. S. A. Chettiar : May I know whether the Sub-Committee appointed to go into these matters have submitted their report ?

Dr. M. M. Das : The Sub-Committee on Gandhian Philosophy held a meeting on the morning of 12th September, 1955.

Shri T. S. A. Chettiar : They have not submitted their report ?

Dr. M. M. Das : No.

डा० सुरेश चन्द्र : क्या यह सच नहीं है कि गांधी जी इस तरह की फ़िलासफ़ी बनाने के खिलाफ़ थे, और अगर यह सच है, तो उसको क्यों फ़िलासफ़ी के रूप में लाया जा रहा है?

Mr Speaker : Order, order.

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता था कि जो सब-कमेटी है उसमें कौन कौन लोग काम कर रहे हैं और कब तक उसके काम के पूरे हो जाने की आशा है ?

Dr. M. M. Das : The members of the Sub-Committee are :

Shri Kaka Saheb Kalelkar,
Shri Pyarelal,
Shri Abid Hussain,
Dr. Bharatan Kumarappa, and
Shri Ramachandran.

Suicides in the Armed Forces

*380. **Sardar Hukam Singh** : Will the Minister of **Defence** be pleased to state :

(a) whether there have been any cases of suicide during the last 3 years in the Armed Forces ; and

(b) if so, how does the number of such suicides compare with the number of previous triennium ?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). It is not in the public interest to disclose the information. But it may be stated that the problem is not such as to cause any anxiety.

Sardar Hukam Singh : May I know whether any enquiries were made as to the causes of these suicides ?

Sardar Majithia : Yes, every suicide is properly enquired into by a Court of Enquiry.

Sardar Hukam Singh : Would it also be against the public interest to disclose as to what were the causes ?

Sardar Majithia : No, not that part. I can mention that. It is mostly domestic and financial worries, mental and physical illness, disappointment in love affairs, fear of punishment.

Shri N. R. Muniswamy : May I know if there were cases where the persons attempted to commit suicide and, if so, how many ?

Sardar Majithia : I require notice for that.

Shri T. S. A. Chettiar : When the figures of these suicides among the Defence personnel were given last time it roused a lot of public interest and even some dailies have written editorials condemning it and asking the Government to make a thorough and searching enquiry into this. What is the reaction of the Government to this ?

Sardar Majithia : As I have said already, each and every case is enquired into by a Court of Enquiry. All the causes are examined, every evidence is gone into and we do know what the facts are.

The Minister of Defence Organisation (Shri Tyagi): Lest there be any misunderstanding in the public mind I might inform the House that the percentage is fast declining; it is now 60 per cent of what it was three years before.

Games and Sports

*381. **Shri V. P. Nayar :** Will the Minister of **Education** be pleased to state the amount that Ministry of Education have spent in 1954 and 1955 (till 1-10-1955) on:—

(a) constructing courts for playing games by the employees of the Ministry ; and

(b) acquiring equipment for sports, games and physical exercises ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) and (b). Ministry of Education has not spent any amount out of its budget for this purpose. I may add that the Ministry of Home Affairs are responsible for providing amenities for games and sports for the Central Government employees, and they have funds for this purpose.

Shri V. P. Nayar : The hon. Parliamentary Secretary said that the Ministry has not spent any amount on this specific purpose. Could I have some information as to the percentage of the Education Ministry's personnel who are engaging themselves in regular physical exercise ?

Dr. M. M. Das : I have no information on this point.

Shri V. P. Nayar : In view of the fact that the Education Ministry is in overall control of planning in so far as sports and games are concerned, could I know whether any steps have been taken by the Ministry to set its own house in order in the matter of encouraging its employees to take to physical exercise, and whether any scheme is in contemplation under which at least provision to enable them to participate in daily games nearabout their offices will be made.

Dr. M. M. Das : So far as employees under the Education Ministry are concerned, the Central Government does not think it proper to separate them as a special category from the rest of the employees under the other Ministries.

Natural Gas

*383. **Shri S. C. Samanta :** Will the Minister of **Natural Resources and Scientific Research** be pleased to state :

(a) whether natural gas has been located in any part of India by the field workers of the Geological Survey of India since 1952 ;

(b) if so, the names of places and the quality and quantity of gas likely to be available ;

(c) whether careful laboratory tests have been made ; and

(d) if so, whether State Governments have been advised to make proper use of it ?

The Minister of Natural Resources (Shri K. D. Malaviya) : (a) No, Sir. not since 1952.

(b) to (d) Do not arise.

Shri S. C. Samanta : Is it not a fact that after 1952 natural gas was located in two places, one is Andhra at Talikapan and another in Madras at Neypathur ?

Shri K. D. Malaviya : There are a number of areas in our country where natural gas has been discovered, but they were all discovered before 1952. The two places referred to by the hon. Member including Neypathur were also discovered before 1952.

Shri S. C. Samanta : May I know the length of the bore-holes at these two places ?

Shri K. D. Malaviya : Perhaps the hon. Member means the depth. I have not got the figures of the depth of the bore-holes, but I might mention that most of these have no economic importance for the nation.

Shri C. R. Narasimhan : What are the existing and known sources of occurrence of natural gas ? He is referring to the location only since 1952. I want to know what are the existing and known sources of occurrence of natural gas, and what are Government's own assessment of the possibility of their exploitation.

Shri K. D. Malaviya : The Geological Survey of India have been investigating these oil seepages of the country, and so far they are reported from eleven such places. And these were discovered in the past twenty years. Some of the important ones are from Boga in Saurashtra and one or two in the South, and also Jwalamukhi. Our assessment of their economic importance, as I said, is not very much, except one or two where perhaps for some local purposes the gas can be utilised.

Shri S. C. Samanta : The hon. Minister said that long before 1952 these sources were found out. May I know whether the laboratory tests found any content of petroleum in it or whether these gases could be utilised for heating purposes ?

Shri K. D. Malaviya: Yes, theoretically most of these gases can be utilised for heating purposes or burning purposes. Some of them are also related to petroleum gas. But a lot of work and investigation is still to be pursued before we can establish its definite relation to petroleum. The Government have only recently taken up the work of oil exploration, and we hope we might successfully correlate some of them to our petroleum exploration.

Road Accidents in Delhi

*385. **Shri Dabhi:** Will the Minister of **Home Affairs** be pleased to refer to the reply given to Starred Question No. 705 on the 13th August, 1955 and state:

(a) the actual steps which Government have taken to minimise road accidents in Delhi; and

(b) the result thereof?

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). A statement containing the necessary information is placed on the Table of the House. [*See* Appendix III, annexure No. 16].

Shri Dabhi: In the statement, it is said that cyclists have been advised through leaflets and Press notes to have lamps, good brakes, bells and reflectors on the cycles and avoid double riding. May I know whether as a result of this advice, cyclists have now stopped double riding and also treble riding?

Shri Datar: Unfortunately, they have not stopped to the extent that they ought to have, and Government would take action against them.

Shri Dabhi: How many cyclists were prosecuted in the current year for breach of transport regulations?

Shri Datar: I have not got those figures.

Shri Dabhi: In reply to par (b), it is stated in the statement that the number of accidents which took place during the period 1-1-55 to 31-10-55 was slightly less than the number of accidents during the corresponding period in 1954. May I know the comparative figures?

Shri Datar: I had given he figures to the hon. Member last time. Between 1st January, and 31st October, 1954, there were 925 accidents, and from 1st January to 31st October, 1955 there were 921 accidents. The number of injured persons is also less.

Shri Kamath: The statement laid on the Table says that two officers of the Bombay traffic police were brought to Delhi to train the Delhi traffic personnel. May I know whether there is a proposal before the Government to open a regular traffic training school for this purpose either on a national scale or on a zonal scale?

Shri Datar: Government would consider that question if it arises. At present, Government find that after training both at Calcutta and Bombay, the situation might improve.

Shri Kasliwal: May I know on how many of the principal highways in Delhi separate cycle tracks have been provided?

Shri Datar: I should like to have notice.

Hindi Teachers

*387. **Shri Krishnacharya Joshi:** Will the Minister of **Education** be pleased to state:

(a) whether Government have decided to assist the State Governments in starting training institutes for Hindi teachers; and

(b) if so, the nature of the facilities to be provided?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes, Sir, the Government have decided to do so in the case of none-Hindi States.

(b) Financial assistance is given on percentage basis.

श्री कृष्णाचार्य जोशी: क्या मैं जान सकता हूं कि यह केन्द्रय सरकारी सहायता किन किन राज्यों को दी गई है?

Dr. M.M. Das: I have a list with me. The States that have received Central Government assistance are the following: Travancore-Cochin, Coorg, West Bengal, Bombay, Punjab, Tripura, Kutch, Hyderabad and Saurashtra.

श्री कृष्णाचार्य जोशी: इस स्कीम के अन्तर्गत कितने शिक्षकों को ट्रेनिंग दी गई है?

Dr. M. M. Das: We have not yet received any report to that effect from all the State Governments.

श्री कृष्णाचार्य जोशी: क्या मद्रास राज्य से रक़म की माग की गई थी?

Dr. M. M. Das: I do not find Madras here. So under this scheme, the Madras State Government has not been given any financial assistance by the Central Government.

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता हूं कि जो सहायता हिन्दी शिक्षार्थियों को दी जाती है वह सरकारों के द्वारा दी जाती है या प्राइवेट इंस्टीट्यूशंस को भी दी जाती है जो कि इस काम को करते हैं ?

Dr. M.M.Das : There is some confusion. The reply I have given relates to financial aid given to State Governments for training Hindi teachers, not for other purposes. If the hon. Member wants the amount of financial assistance that has been given for promotion of Hindi, there is a separate list where almost all the States have been covered.

Shri T. S. A. Chettiar : In view of the fact that greater encouragement is necessary for the promotion of Hindi in non-Hindi areas, may I know whether there is any suggestion to the effect that in the Second Five Year Plan the share of the Central Government of the recurring expenditure given for stipends etc. should be increased ?

Dr M .M. Das : At present, the Central Government are paying, I think, and I speak subject to correction, 66 per cent of the recurring as well as non-recurring expenditure. I do not know whether there is any proposal to increase that amount in the Second Five Year Plan.

Indian Navy

*388. **Shri Raghunath Singh** : Will the Minister of **Defence** be pleased to state :

(a) whether it is a fact that in order to protect ships from Radio Activity water sprays are being fitted on the ships of other Navies; and

(b) if so, what steps are being taken by the Government of India to get the ships of the Indian Navy fitted with similar water sprays ?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes.

(b) Our new ships will be fitted with the necessary spraying equipment.

Shri Raghunath Singh : What about the old ships ?

Sardar Majithia : The old ships are not fitted with this equipment. And we are confident that we are not taking part in any war.

Shri Raghunath Singh : No question of taking part in war. This is a question of the effect of radio activity. May I know whether radio activity has affected our ships at any time ?

Shri M. S. Gurupadaswamy : And men also ?

Sardar Majithia : It never affected our ships at any time, and I do not think it will.

Shri M. L. Dwivedi: I want to know whether it has come to the notice of the Minister that a special Rosin fibre glass being used in modern ships. Is that is sort of material likely to be used by the Defence Ministry for naval purposes ?

Sardar Majithia : We will look into that question, when that comes up.

Aerodrome at Nasik

*389. **Shri Gidwani** : Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that an Aerodrome is being constructed at Nasik.

(b) if so, what will be the cost of it construction; and

(c) when will it be completed ?

The Deputy Minister of Defence (Sardar Majithia) : (a) No Sir.

(b) and (c). Do not arise.

Shri C. Bhatt : If it is not an aerodrome, is it a landing ground ?

Sardar Majithia : It is neither an aerodrome , nor a landing ground.

बुद्ध जयन्ति

*३९१. **श्री भक्त दर्शन** : क्या शिक्षा मंत्री ८ सितम्बर, १९५५ को दिये गये तारांकित प्रश्न संख्या १५७९ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) बुद्ध भगवान के निर्वाण की २५०० वीं जयन्ती मनाने के सम्बन्ध में बौद्ध धर्म से सम्बन्धित या दिलचस्पी रखने वाले प्रमुख व्यक्तियों को निमंत्रण देने का जो प्रश्न विचाराधीन था उसके बारे में तब से या कोई अन्तिम निश्चय किया गया ; और

(ख) यदि हां, तो उन व्यक्तियों के नाम क्या हैं और वे किन किन देशों से आमंत्रित किये जा रहे हैं ?

शिक्षा मंत्री के सभासचिव (डा० एम० एम० दास) : (क) १९५६ में २५०० वीं बुद्ध जयन्ती में शामिल होने के लिये बौद्ध देशों से लगभग १०० प्रमुख व्यक्तियों को निमन्त्रण देने का निर्णय किया गया है ।

(ख) जिन व्यक्तियों को निमन्त्रण दिया जायेगा उनकी अन्तिम सूची अभी तैयार नहीं हुई है ।

श्री भक्त दर्शन : क्या यह बताने की कृपा की जायेगी कि यह जो निमंत्रण दिये जा रहे हैं, अथवा जो बहुत ही अन्तर्राष्ट्रीय महत्व का यह समारोह होने वाला है, उसके सम्बन्ध में क्या कोई विशेष समिति बनाई गई है और यदि बनाई गई है तो उसके सदस्य कौन कौन सज्जन हैं ?

Dr. M. M. Das : A high-power committee has been set up for this purpose with the Vice-President of the Indian Union as Chairman, and the Chief Ministers of U. P., Bihar and Bhopal as members.

श्री भक्त दर्शन : यद्यपि अभी उन व्यक्तियों के बारे में निर्णय नहीं हो पाया जिनको कि निमंत्रण दिया जायेगा, क्या मैं इतना जान सकता हूं कि किन देशों व संस्थाओं के प्रतिनिधियों को निमंत्रण देने का विचार किया जा रहा है ?

Dr. M. M. Das : It is expected delegates will be invited from Canada, U.S.A. Ceylon, Burma, China, Indonesia, Yugoslavia, Tibet, U. S. S. R. Italy, Thailand, Nepal, France, U. K., Germany, Japan and Czechoslovakia.

डा० एस० एन० सिंह : क्या तिब्बत से दलाई लामा को भी आमंत्रित करने का विचार किया जा रहा है ?

Dr. M. M. Das : I have said that the list has not yet been finalised.

Shri B. D. Pande : What will be the basis of these invitations, religious, moral, spiritual, cultural?

Shri Kamath : Diplomatic.

Dr. M. M. Das : Cultural.

Mr. Speaker : I must point out the attention of the hon. Member who has just put his question that he has changed his seat.

Shri B. D. Pande : Sir, this was the seat of my predecessor.

Mr. Speaker : But he used to occupy a seat there.

Shri B. D. Pande : I was invited by some of my friends to come here and so I came here.

Mr. Speaker : He may not now change his seat he may stick to it.

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता था कि .....

Mr. Speaker : He may just remember his question and then put it.

Invitation to Marie Seton

*392. **Shri Heda** : Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that Miss Marie Seton of the British Film Institute, London has been invited to India ; and

(b) if so, the purpose of the invitation?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das); (a) Yes, Sir.

(b) To lecture to groups interested in audiovisual education and the cinema.

Shri Heda : May I know if such invitations have been extended to educationists or personalities from other countries also and, if so, may I know their names ?

Dr. M. M. Das : I have no information whether educationists of other countries have been invited.

Shri M. L. Dwivedi : Now, I remember my question, Sir.

Mr. Speaker : Not now.

Shri Heda: What will be the total expenditure on this?

Dr. M.M. Das : A sum of only Rs. 3,000 was made available to Miss Marie Seton by the Government of India for meeting her travelling expenses in India.

Shri Heda : Since the amount sanctioned is so meagre, may I know whether the proposal originated from U.K. ?

Dr. M. M. Das : Sir, we sent out invitation, we invited.

U. N. O. Fellowship

*394. **Shri Bibhuti Mishra** : Will the Minister of **Education** be pleased to state :

(a) whether U. N. O. has offered to the Government of India four Fellowships under its Social Welfare Fellowships and Scholarships Programme for 1956.

(b) if so, names of the selected candidates ; and

(c) the criterion of their selection ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) Yes, Sir.

(b) Not known yet. Final selections rest with the United Nations Organisation whose decision is still awaited.

(c) Merit.

श्री बिभूती मिश्र : मैं जानना चाहता हूं कि स्कालरशिप्स दे कर जो विद्यार्थी शिक्षा पाने के लिये भेजे जायेंगे उन को किस तरह की शिक्षा दी जायेगी ?

Dr. M. M. Das : These fellowships will give an opportunity to these candidates for studying the following subjects :

Social development, general social welfare administration, community, family and child welfare, Social measures of a general nature, Social measures for children, Migration, Social defence, Rehabilitation of the handicapped persons, Housing, Town and Country planning, Populations statistics and research, Human rights and fundamental freedoms.

Shri M. S. Gurupadaswamy : Just now the Parliamentary Secretary said that the selection will be made on the basis of merit. May I know among the students who have been sponsored, what are the criteria which will govern the selection ?

Dr. M. M. Das : Only those who possess adequate academic qualifications and who were sponsored by the State Governments, the Central Ministries, Universities and the Central Social Welfare Board with guarantees of employment on return from training abroad were considered for the above fellowships.

Dr. Suresh Chandra : Through which Government of India Agency will these candidates be selected ?

Dr. M. M. Das : There was a duly constituted selection committee. I may read the names if the hon. Member wants.

Dr. Suresh Chandra : Yes, I want them.

Dr. M. M. Das : They are : Shri K. G. Saiyidain, Additional Secretary, Ministry of Education, Shri E. B. Joshi, Deputy Secretary, Ministry of Education, Mr. J. N. Corry, Liaison Officer, United Nations Technical Assistance Board, Dr. S. T. Marani, Deputy Secretary, Ministry of Labour, Shri M.S. Goray, Principal Delhi School of Social Work, Shri C. B. Patel, Housing Adviser, Ministry of Works, Housing and Supply and Shri S. Narayanswamy, Deputy Secretary, Ministry of Home Affairs.

Visit to India of U. S. Middle East Forces Commander

*395 **Shri Gopala Rao** : Will the Minister of **Defence** be pleased to state :

(a) whether the Commander of the U. S. Middle East Forces visited India in October 1955 ;

(b) if so, the purpose of his visit ;

(c) whether he held consultations with Government ; and

(b) if so, their nature ?

The Minister of Defence (Dr. Katju): (a) Yes.

(b) Informal courtesy visit.

(c) No.

(d) Does not arise.

Shri Gopala Rao : May I know whether there is any proposal of a return visit by our commanders and may I also know in view of the policies of this Government regarding the questions of Goa and Kashmir and the question of the independence of countries in Asia, is it desirable to have such contacts or consultations against the wishes of the people ?

Dr Katju : This visit was of about 3 or 4 days' duration or the most one week's duration. It did not last for more than a few hours at one station and I see no harm whatsoever in such meetings. It has nothing to do with Goa.

Shri M. S. Gurupadaswamy : Is it not a fact that the United States is associated closely with Middle East Defence Organisation and may I know whether the visit of this commander to India has anything to do with the MEDO ?

Dr. Katju: There is no question of this gentleman visiting any place. He came to Delhi and went somewhere and paid some courtesy visits and did nothing else.

Essential Oils

*396. **Shri Ibrahim**: Will the Minister of **Natural Resources and Scientific Research** be pleased to state :

(a) the progress made so far for the development of essential oils industry;

(b) whether any proposal to establish some research centres is under consideration of Government;

(c) if so, what will be their main functions ; and

(d) the estimated amount sanctioned for the purpose ?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) to (d). A Statement giving the required information is laid on the Table of the House. [*See* Appendix III, Annexure No. 17.]

Shri Ibrahim: May I know the names of the countries importing essential oils from India and the annual quantity that is exported to these countries?

Shri K. D. Malaviya: I have not got the figures of export and all that. This question related merely to research work in connection with oil.

Shri Ibrahim: May I know what amount has been provided in the Second Five Year Plan for the development of essential oils in this country ?

Shri K. D. Malaviya: The proposals of Government in the Natural Research Ministry are under the examination of the Planning Commission. Therefore, I cannot specifically say how much money will be sanctioned for the Second Plan.

Shri A. M. Thomas: May I enquire whether the Ministry of N.R. &S.R. has devoted its attention to research on the potentialities of extracting lemon grass oil and what is the result ?

Shri K. D. Malaviya: Researches on lemon grass oil are going on, perhaps, in the National Chemical Reserach Institute as well as under the Forest Research Institute, Dehra Dun. As regards the specific progress made in this connection, I would require notice.

Shri V. P. Nayar: May I know whether there has been any research in the standardisation of the citrol content in the lemon grass oil distilled in the domestic stills and distilled from kinds of cymbapogon grass and the results achieved, if any ?

Shri K. D. Malaviya: I would require notice.

बहु-उद्देशीय स्कूल

*३९७. **श्री के० सी० सोधिया** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) एक माध्यमिक स्कूल को बहु-उद्देशीय स्कूल में परिवर्तित करने के लिये कितनी आवर्त्तक और अनावर्त्तक धनराशि की आवश्यकता पड़ती है;

(ख) इन बहु-उद्देशीय स्कूलों में कौन कौन से अतिरिक्त विषय पढ़ाये जायेंगे;

(ग) क्या इन अतिरिक्त विषयों के लिये पाठ्यक्रम तैयार कर लिये गये हैं; और

(घ) इन विषयों को पढ़ाने के लिये शिक्षकों को प्रशिक्षित करने के लिये क्या व्यवस्था की गई है ?

शिक्षा मंत्री के सभासचिव (डा० एम० एम० दास) : (क) से (घ). एक विवरण सभा-पटल पर रख दिया गया है । [देखिये परिशिष्ट ३, अनुबन्ध सं० १८] ।

श्री के० सी० सोधिया : इस विवरण के (घ) भाग में ६०,००० रु० अनावर्त्तक और २०, ००० रु० आवर्त्तक प्रति केन्द्र की लागत का जिक्र है । मैं जानना चाहता हूं कि इस में से कुछ रुपया स्टेट्स को भी दिया गया है, और अगर दिया गया है तो कितना ?

Dr. M. M. Das: Financial assistance under the whole scheme has been given to nearly all the State Governments and the total amount is more than four crores of rupees.

श्री के० सी० सोधिया : (क) भाग के जवाब में दिया गया है कि "syllabi for various subjects to be introduced in such schools, however, are still, under preparation." मैं जानना चाहता हूं कि यह स्कूल खुल चुके हैं या नहीं ?

Dr. M. M. Das: Yes Sir; some of the State Governments have already opened their schools.

श्री के० सी० सोबिया : सिलेबस तैयार नहीं है तो काम कैसे चलता है ?

Dr. M. M. Das: They have got their own syllabi for the time being.

Shri L. N. Mishra: How the individual cases of these institutions are decided ? Is it a fact that under delay is caused in deciding the cases especially when they are not recommended by the district authorites ?

Dr. M. M. Das: I do not know of the district authorities but we are dealing with State authorities. The Central Government take the decision on the recommendation of the State Governments.

Shri Dabhi: May I know which States have converted their secondary schools to multi-purpose schools ?

Dr. M. M. Das: The detailed information is not with me but we have given in the year 1954-55 more than Rs. 2 crores, and in this year also we have sanctioned Rs. 1,65,32,000. And I think the States Governments are doing their work with this money.

Indian Educational Service

*398. **Shri M. S. Gurupadaswamy**: Will the Minister of **Education** be pleased to state :

(a) the main recommendations of the Seminar of Headmasters and Inspecting Officers held recently in Mysore; and

(b) whether Government have taken any decision on their recommendation for instituting a cadre of Indian Educational Service ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) The recommendations of the Mysore Seminar have not so far been received in this Ministry.

(b) Does not arise.

Shri M. S. Gurupadaswamy: Apart from the Seminar, may I know whether Government has enquired into the question of the feasibility, suitability and necessity of having an Educational Service just as they are having an Administrative Service ?

Dr. M. M. Das: I do not think that the Seminar is dealing with these questions.

Mr. Speaker: Independently of the Seminar, have Government done anything in this matter ?

Dr. M. M. Das: I beg to have notice

Russian Mining Experts

*399. **Shri Nageshwar Prasad Sinha**: Will the Minister of **Natural Resources and Scientific Research** be pleased to state :

(a) whether the nine Russian experts who were invited to investigate the problem of developing mineral oil industry, utilising non-ferrous metals and the working of diamond mines in this country have arrived ; and

(b) if so, the terms and conditions on which they have undertaken this investigation ?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) Five Russian experts have arrived so far and the rest are expected shortly. I may add with your permission that two more have since arrived.

(b) The experts will be paid a daily remuneration with free board and lodging and travelling facilities.

Shri Nageshwar Prasad Sinha: May I enquire whether this team of experts will utilise its expert knowledge only over those areas where these minerals, especially oil, have been discovered or whether fresh surveys will be made by it ?

Shri K. D. Malaviya: There is no intention so far to take the help of these experts for actual surveying of our oilfields or suspected oil fields. These gentlemen are here to study our existing organisation and advise us as to how best we may organise and study our work which relates to oil exploration and other non-ferrous metal explorations.

Shri Nageshwar Prasad Sinha: Is it the intention of the Government to associate Indian experts with this team so that in case the team leaves, our own men can take up the work ?

Shri K. D. Malaviya: Our experts will associate themselves with all the work that will be done here by these experts.

Shri Bansal: May I know if these will supplement the efforts which are being made by the Standard-Vacuum in the Bengal Basin and other companies in other parts of the country or they will carry on their work independently ?

Shri K. D. Malaviya: These experts, as I said, are meant to advise the

Government of India in organising our own work so far as oil exploration and non-ferrous metal explorations are concerned.

Shri Bimalaprasad Chaliha : How long they are expected to be in India to complete the work assigned to them ?

Shri K. D. Malaviya : It may not be more then 3 or 4 months.

Shri Bansal : What I want to know is this. Oil exploration work is going on in areas where we are suspecting that there may be some oil to be found. Are these experts going to work there in co-operation and collaboration with the existing teams or are they going to work independently in some other areas ?

Shri K. D. Malaviya : I made It clear that they are not going to work in any specific area where oil is suspected to be found. They are going to examine the conditions that exist today with regard to our organisation, and our geology and they will advise our experts as to how best to organise our work. With regard to the work that is being conducted by Standard Vacuum Oil Company or the Assam Oil Company, that is entirely independent, and they are already doing their work.

Sample Survey of Deaf Population

*401. **Dr. Ram Subhag Singh** : Will the Minister of **Education** be pleased to state :

(a) whether Government propose to undertake a sample survey of deaf population in the country ;

(b) if so, when this survey is likely to be undertaken ;

(c) the purpose of this survey ; and

(d) the cost involved in taking his survey ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) Yes, Sir.

(b) During Second Five Year Plan period.

(c) To determine the incidence and causes of deafness and to survey the needs of the existing deaf population.

(d) It is not possible to indicate the cost at this stage.

Dr. Ram Subhag Singh : May I know whether Government have prepared any scheme for the training and education of the deaf population in this country ?

Dr. M. M. Das : Yes, Sir. The State Governments and the Central Government have their own schemes for the education and welfare of the deaf population.

Shri Kamath : Has there been or is there going to be any attempt to estimate as to what extent the Treasury Benches are deaf, wholly or partially,.....

Mr. Speaker : Order, order. He should not proceed further with the question.

Shri S. C. Samanta : May I know whether Government contemplate the establishment of an All-India Oto Rhino Laryngology ?

Dr. M. M. Das : It does not arise out if this question. The present question is about sample survey.

Oil Wells

*403. **Shri Bishwa Nath Roy** : Will the Minister of **Natural Resources and Scientific Research** be pleased to state whether after intensive geophysical surveys in the Brahmaputra valley any work on new oil wells would start there in the current financial year ?

The Minister of Natural Resources (Shri K. D. Malaviya) : Yes, Sir. The Assam Oil Company have sunk a number of oil wells and have started work on five wew oil wells.

Shri Bishwa Nath Roy : May I nknow the annual production expected from these wells ?

Shri K. D. Malaviya : Most of them are exploratory wells. The current production from Naharkatiya well is 1600 barrels a day. The figures for the wells in the Hubrijan area have not been received so far.

Shri Bishwa Nath Roy: May I know whether the work in this area is under the direct control of the Company just mentioned or whether Government have also a hand in the management ?

Shri K. D. Malaviya : There is no exploration or drilling at present on behalf of the Government in the Brahmaputra Valley.

Shri Bansal : May I know if the Government of India are satisfied with the efforts and the speed with which the Assam Oil Company are working in the Brahmaputra Valley, and if not, what steps they proposes to take in order to see that we are able to explore the oil bearing area in this Valley as quickly as possible ?

Shri K. D. Malaviya : We have watched the work which the Assam Oil Company are doing and we are satisfied that they are doing their best.

Shri Sarangadhar Das : May I know if the oil produced in Naharkatiya and other new wells is being refined in the refinery at Digboi ? If not, where does it go ?

Shri K. D. Malaviya : Let me explain the position. The wells which have so far been completed in Naharkatiya area are mostly exploratory wells and the full production stage has not yet arrived. Incidentally the oil that has been produced, is taken to the Digboi refinery where the Assam Oil Company have their own arrangements to refine it.

German Research Teams

***440. Shri N. B. Chowdhury :** Will the Minister of **Natural Resources and Scientific Research** be pleased to state :

(a) the names of the members of the German team of experts carrying on research on Indian flora and fauna ;

(b) the fields of their activity ; and

(c) whether they are expected to submit any report to the Government of India on their research work ?

The Minister of Natural Resources (Shri K. D. Malaviya) : (a) The members of the team are :

1. Mr. Gostav-Adolf Alexander Freiherr Von Maydell.
2. Mr. Botho-Eberhard.

An Hon. Member : What is the full name ?

Shri K. D. Malaviya : It is a long name and I am not able to read it.

An Hon. Member : Perhaps the Prime Minister can read it.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru) : Mr. Botho-Eberhard Prinzu Zu Sayn-Wittgenstein Hohenstein.

Shri K. D. Malaviya : Then,

(3) Mr. Joachim Martin Teader Schmidt ; and

(4) Dr. Helmut Pirson.

(b) The activities are :—

(1) to collect certain smaller animals and floral manifestations living together (Biocenoses) and to study their relations among themselves and and to their environment.

(2) to make a collection of botanical material in connection with sociological ecological work and to dry the plants collected for establishing a Herbarium.

(c) No Sir. They have, however, been asked to donate a part of the collections made and to deposit copies of their observations and mateorological measurement s with the Government of India.,

Shri N. B. Chowdhury : May I know whether any Indian botanists or Zoologists have been associated with this team ?

Shri K. D. Malaviya : Yes ; one officer of the Zoological Survey has been attached to the team and he has been going with them to help them in whatever way he can.

Shri V. P. Nayar : May I know whether such studies will be confined only to the present flora and fauna or whether any attempt will be made, in view of the very insufficient information about the subject, to study the palentological details of fossil flora and fauna ?

Shri K. D. Malaviya - This is a foreign team and they prepare their own programme of investigation.

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि इन जर्मन विशेषज्ञों ने हमारे देश के किन-किन भागों का दौरा कर लिया है, तथा और किन-किन इलाकों में वे जाने वाले हैं ?

श्री के० डी० मालवीय : जो कार्यक्रम उन्होंने बनाया है और जिसको गवर्नमेंट आफ इंडिया ने देख कर मंजूर कर लिया है, वह इस प्रकार है : वे पहले बम्बई और राजस्थान जायेंगे, वहां से हमारे रेगिस्तान में भी जायेंगे, उसके बाद तराई जोन में देहरादून को जायेंगे, वहां से शिवालिकरेंज को जायेंगे और हिमालय के नीचे घूमेंगे, और फिर गंगा के मैदान में भी कलकत्ते तक का दौरा करेंगे । वहां से फिर आसाम जायेंगे और वहां से फिर वापस कलकत्ता आवेंगे । फिर जबलपुर जाकर, भोपाल, नागपुर, हैदराबाद, ट्रावनकोर कोचीन और वेस्टर्न घाट्स को जायेंगे, और उसके बाद नीलगिरी वगैरह खत्म करके मंडपम कैम्प में अपना दौरा खत्म कर देंगे ।

Art Purchase Committee.

***406. Shri H. N. Mukerjee :** Will the Minister of **Education** be pleased to state :

(a) whether it is a fact that for Jaipur House and other national collections, paintings, *objects d' art* etc., are bought on the recommendations of an Art Purchase Committee ;

(c) how far the services of *Lalit Kala Akadami* are utilised in this connection ?

The Parliamentary Secretary to the Ministry of Education (Dr. M. M. Das) : (a) Yes, Sir.

(b) A statement is laid on the Table of the House. [*See* Appendix III, Annexure No. 19].

(c) The Lalit Kala Akadami is not consulted.

I may add, Sir, that the Lalit Kala Akadami came into existence in 1954, two years after the setting up of the Art Purchase Committee in 1952, moreover, three of the members of the Art Purchase Committee including the Chairman and the Vice Chairman are members of the Lalit Kala Akadami.

Shri H. N. Mukerjee : I find from the statement that, of the six members of the Art Purchase Committee only one is an artist whereas five are supposed to be art critics. May I know if Government does not think it desirable to associate artists more closely with the work especially when even the Curator of Jaipur House or the Secretary of the Lalit Kala Acadamy are excluded and there is a feeling among artists that bureaucratic influences are predominant on this Committee ?

Dr. M. M. Das : The Government has no information about the bureaucratic influences etc.

Shri H. N. Mukerjee : In view of the Jaipur House collection being rather lopsided and unrepresentative, may I know if steps are proposed to be taken for improving the collection by setting up particularly regional committees which would purchase the best work of different periods from those particular regions and send them to the Centre ?

Dr. M. M. Das : The Government does not consider that these collections are lopsided or unrepresentative

Shri N. B. Chowdhury : May I know the amount earmarked for the purchase of paintings under the current Budget ?

Dr. M. M. Das : I have no information at present.

Shri B. S. Murthy : May I know whether there is any intention of the Government to associate more celebrated artists in this Committee as advisers ?

Shri Kamath : In vieo of the fact that Pakistan is expendigg its Army and its equiped with, I belive, Ameican and, do governme-t think it expedie-t to retre-ch gffices on this side and create discountant in the army when the Kashmir question is still undecided ?

Release of Commissioned Officers

*407. **Shri Kamath :** Will the Minister of **Defence** be pleased to state :

(a) whether it is a fact that Government have decided to release from the Army in the near future short service regulars commissioned officers, temporary commissioned officers and emergency commissioned officers.

(b) if so, when ; and,

(c) the number of officers likely to be affected thereby ?

The Minister Defence (Dr. Katju): (a) No decision of release Short Service Regular Commissioned, Temporary Commissioned and Emergency Commissioned officers as such has been taken. Rules prescribing the maximum age-limits for compulsory retirement were framed in 1950 for both regular and non-regular officers. These Rules are now under reconsideration.

(b) and (c). In case the existing orders are not modified, about 460 non-regular officers will be due for retirement with effect from Ist January, 1956. But, as stated above the matter is under re-consideration.

Shri Kamath : Is it a fact that among these officers who are likely to be affected by this decision or by this consideration there are a number of them who have put in a service of more than 10 years and are otherwise qualified to be given a permanent regular commission and if so why are those officers' services not being continued and why are they being retrenched ?

Dr. Katju : That is entirely a different matter namely whether permanent commission should be given to non-regular non-commissioned temporary officers. That is a matter decided by the Army Headquarters on question of suitability of the man and other things. Also there must be a flow of appointments from the bottom.

Shri Kamath : Is it a fact that because of these proposals which are supposed to be under consideration at present there is a lot of discontent in the Army among these officers concerned ?

Dr. Katju : I am sure there must be a lot of anxious consideration among the 460 people who are going to be retrenched if the orders are not modified ; but about discontent in the army as a whole I am not aware of it.

(b) if so, what is the composition of the Committee ; and

Dr. Katju : All those things are under these declaration when the relevant factors were fully considered and given the fullest weight. I do not know where Pakistan comes in respect of this question.

Shri Kamath : Kashmir question is unsettled.

Mr. Speaker : Order, order.

Sardar Iqbal Singh : May I know the reasons or petitions which have completed the Government of India to change the rules after two years?

Dr. Katju : I could not follow the question.

Mr. Speaker : The rules, as I heard, were framed first in 1951- or 1952.

Dr. Katju : The rules were not changed but the date of extension was modified in 1954. The question has again arisen.

Mr. Speaker : I think he wants to know why so soon the matter has come up again for re-consideration?

Dr. Katju : The matter was referred to us by the Army Headquaters only a short while ago and not two years ago.

Sardar Iqbal Singh : May I know whether it is a fact that these rules are going to be changed in order that those 460 officers may be released from the army?

Dr. Katju : No, no. The matter will be considered on it :merits.

कोलम्बो योजना के अधीन छात्रवृत्तियां

*४०६. **श्री श्री नारायण दास :** क्या **वित्त** मंत्री सभा के टेबल पर एक विवरण रखने की कृपा करेंगे जिसमें निम्नलिखित बात दिखाई गई हों :

(क) कोलम्बो योजना के अधीन विदेशों में अध्ययन के लिये भारतीयों को छात्रवृत्तियां देने के सम्बन्ध में उम्मीदवारों का चुनाव करने के लिये कौन से नियम, विनियम अथवा स्थायी आदेश हैं; और

(ख) संघ के मंत्रालयों तथा राज्य सरकारों से प्रस्थापनायें प्राप्त कर लेने के बाद उम्मीदवारों के चुनाव के बारे में अन्तिम निर्णय किस स्तर पर किया जाता है ?

वित्त मंत्री के सभासचिव (श्री बी० आर० भगत) : (क) तथा (ख). सदन की मेज पर विवरण रखा गया है [**देखिये परिशिष्ट ३, अनुबन्ध सं० २०**].

श्री श्री नारायण दास : विवरण से पता चलता है कि कोलम्बो योजना के अन्तर्गत छात्रवृत्तियां देने के प्रस्ताव पर विचार करते समय उनको नौ स्थूल कसौटियों पर कसा जाता है। क्या मैं जान सकता हूं कि इसमें वित्त मंत्रालय कितना पार्टप्ले करता है ?

श्री बी० आर० भगत : जो प्रशिक्षण के आवेदन राज्य सरकारों और केन्द्रीय मंत्रालयों से आते हैं केन्द्रीय कमेटी में उन पर विचार होता है । वह टैकनिकल कमेटी इकानिमक ऐफेअर्स मिनिस्ट्री के अधीन काम करती है ।

श्री श्री नारायण दास : यह जो मंत्रालय की टैकनिकल कमेटी है इसके सदस्य स्थायी रूप से रहते हैं या जो विभाग के मंत्रिगण उपस्थित रहते हैं वही रखे जाते हैं ?

श्री बी० आर० भगत : जो अफसर होते हैं वही इसमें एक्स आफिशियों सदस्य रहते हैं ।

श्री श्री नारायण दास : अभी पार्लियामेंटरी सेक्रेटरी सहाब ने कहा कि वह टेक्निकल कमेटी है । लेकिन जब उसमें प्रशासकीय अफसर रखे जाते हैं तो उसको टेक्निकल कमेटी का नाम क्यों दिया गया है । इसका क्या मतलब है ?

श्री बी० आर० भगत : मैं कुछ अशुद्धि दूर करना चाहता हूं । वह टेक्निकल असिस्टेंट्स सेलेक्शन कमेटी कहलाती है ।

श्री श्री नारायण दास : क्या इन छात्रवृत्तियों के विधानों पर विचार करने के सम्बन्ध में बाहर के विशेषज्ञों के इस विषय के प्रार्थनापत्र रहते हैं और मैं जानना चाहता हूं कि बाहर के विशेषज्ञ उसमें बुलाये जाते हैं या नहीं और अगर नहीं बुलाये जाते हैं तो क्यों नहीं बुलाये जाते हैं ?

श्री बी० आर० भगत : प्रशिक्षण की योजना जिस देश से आती है, उसके सलाहकार रहते हैं, क्योंकि उन्हें यह बताना होता है कि कहां और किस यूनिवर्सिटी में या कौन सी जगह वह दे सकते हैं इसलिये उनकी सलाह इस बात पर ली जाती है ।

Desertion in the Army

*410. **Sardar Hukam Singh** : Will the Minister of **Defence** be pleased to state:

(a) the number of cases of desertions in the Army during the year 1954; and

(b) whether any enquiries were made as to the causes of such desertions?

The Deputy Minister of Defence (Sardar Majithia): (a) and (b). It is not in the public interest to disclose the information.

Sardar Hukam Singh : Can it not be disclosed whether there has been an increase in the number of desertions during the last three years?

Sardar Majithia : There has been a decrease, Sir.

Sardar Hukam Singh : What were the punishments that were normally awarded in these cases of desertions ?

Sarday Majithia : The punishments vary according to the seriousness of the offence and in certain cases they are condoned as for instance, if the person overstayed his leave or if he fell sick while he was on leave and therefore failed to report in due time. In such cases, punishments are not given, but in other cases, the punishment that is prescribed in the Indian Army Rules is given.

Sardar Hukam Singh : May I know whether there was any loss to the Army in the form of arms also being taken away by the deserters ?

Sardar Majithia : There may be some, but very few.

श्री भक्त दर्शन : इन भगोड़े सैनिकों को दंड देने के बाद क्या फिर दुबारा सेना में लेने की भी व्यवस्था है, या फिर उनको अपने घर वापिस कर दिया जाता है ?

Sardar Majithia : As I said, in certain cases there is only very minor punishment of imprisonment given, and in other cases they are sent away and are not taken back.

Shri C. Bhatt : To what category do these deserters belong? Are they officers or just soldiers, and to what community do they belong ?

Sardar Majithia : I have not got the break-up of the figures, regarding community, etc., but they belong mostly to other ranks.

छावनियों में गरिजन सिनेमा घर

*411. **श्री एम० एल० द्विवेदी** : क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) छावनियों के गैरिजन सिनेमा घरों का प्रबन्ध कौन करता है;

(ख) उनका लाभ किसको मिलता है;

(ग) क्या यह सच है कि केन्टीन स्टोर्स विभाग उनको अपने हाथ में ले रहा है;

(घ) इस योजना को लागू करने में कितनी प्रगति हुई है और सैनिक कर्मचारियों को इससे कितना लाभ पहुंचने की संभावना है; और

(ङ) क्या भूतपूर्व सिनेमा के ठेकेदारों को कोई मुआवजा दिया जा रहा है ?

रक्षा उपमंत्री (सरदार मजीठिया) : (क) तथा (ख). गैरिजन सिनेमाओं का प्रबन्ध ठेकेदारों द्वारा होता है और सिनेमाओं का लाभ उन्हीं को मिलता है ।

(ग) जी, हां ।

(घ) अब तक केवल एक सिनेमा का काम जलन्धर में संभाला गया है । कैन्टीन स्टोर्स विभाग को सिनेमाओं द्वारा जो लाभ होगा वह तीनों सर्विसेज में उनकी भलाई और सुख के लिये बांट दिया जायगा ।

(ङ) हर एक मामले में अफसरों का एक बोर्ड नियत किया जाता है जो भूतपूर्व ठेकेदारों को दिये जाने वाली मुआवजे की रकम का अन्दाजा लगाता है । जलन्धर में २७,८६५ रुपये का मुआवजा दिया गया है ।

श्री एम० एल० द्विवेदी : मैं जानना चाहता हूं कि सिनेमाघरों में जो ठेकेदार लोग काम करते हैं, उनके प्राफिट का मार्जिन क्या रहता है ?

सरदार मजीठिया : जो ठेकेदार इन सिनेमाओं को चलाते हैं, वह इन को आक्शन में लेते हैं और इस तरह उन सिनेमाओं का प्रबन्ध और ठेका उनको मिलता है ।

श्री एम० एल० द्विवेदी : प्राफिट का आपको पता नहीं है, खैर, मैं एक दूसरा प्रश्न करना चाहता हूं कि यह गैरिजन सिनेमा

जहां जहां हैं वह गवर्नमेंट के हैं या ठेकेदारों के ह और अगर ठेकेदारों के पास हैं तो मैं जानना चाहता हूं कि इनकी लीज उनको किस शर्त पर दी जाती है ?

सरदार मजीठिया : बिड के द्वारा सिनेमाओं की लीज दी जाती है और जो सब से ज्यादा बिड करते हैं उनको लीज मिलती है।

Sports and Games

*412. **Shri V. P. Nayar** : Will the Minister of **Education** be pleased to state the steps proposed to be taken for improving the sports and games equipment and gear manufactured in India, to attain international specifications and staudards ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The Government of India have just initiated action on the improvement of sports materials and equipment in order to bring them up to the required international standard.

Shri V. P. Nayar : May I know whether the job has been assigned to the Indian Standards Institution to set up standards for these various sports articles?

Dr. M. M. Das : We are already in correspondence with the Indian Standards Institution which is a semi-government body and which has published specifications for sports goods especially in certain fields like cricket-bats, hockey, tennis, badminton rackets, football, volley-ball, etc.

Shri V. P. Nayar : May I know whether the Government are aware that it is very difficult to get vaulting poles of aluminium in India, which are used in international Meets and therefore, our athletes find it very difficult to compete with others and also to improve their records in the item of pole-vault?

Dr. M. M. Das : I think this matter would be duly considered.

Shri V. P. Nayar : May I know whether the Government are aware that the shots used for the shot put are quarter of an inch greater in diameter than the international accepted standards and therefore, whether Government propose to take any steps at least to bring it within the international standard, for which no consultation is necessary?

Dr. M. M. Das : I think Government will be guided by the Indian Standards Institution.

Shri Kamath : Also by Shri Nayar's advice.

Foreign Embassies in India

*413. **Dr. Satyawadi** : Will the Minister of **Home Affairs** be pleased to state whether permission of Government has been taken by all the officers of the Government of India whose wives are at present working as employees in the foreign Missions and Embassies in India ?

The Deputy Minister of Home Affairs (Shri Datar) : No formal permission is required in such cases; but under executive instructions issued by Government in June, 1955, a Government servant whose wife or dependent intends to take employment under a foreign Mission in India should intimate the fact to Government in the Ministry concerned. On receipt of the intimation, the Ministry concerned should consider whether the acceptance of the employment is open to any objection and if so prohibit such employment. Government are not aware of any case in which these instructions have been ignored.

डा० सत्यवादी : क्या मैं जान सकता हूं कि इस प्रकार से जो देवियां वहां काम कर रही हैं, उनकी तादाद क्या है ?

Shri Datar : Government are collecting the information in this respect.

Dr. Suresh Chandra : In which Ministries are these wives of the officers working ?

Shri Datar : That itself is a matter on which we are trying to find out the information.

Audio-Visual Education

*414. **Shri Bhagwat Jha Azad** : Will the Minister of **Education** be pleased to state :

(a) whether an International Seminar on audio-visual aids to education was held at Lucknow from the 1st November, 1955 under Colombo Plan;

(b) if so, the names of the countries that participated in the Seminar; and

(c) the decisions taken by the Seminar.

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) Yes, Sir.

(b) Australia, Burma, Ceylon, India, Indonesia, Malaya, North Borneo, Pakistan, Phillipines, Thailand and Singapore.

(c) No specific decisions were taken.

Shri Bhagwat Jha Azad : May I know whether the Government of India have got any plan to use this method for the aid of education?

Dr. M. M. Das : Yes; the Government of India have got a plan for audio-visual education.

Shri Bhagwat Jha Azad: What is the total cost or the approximate expenditure on this scheme of the Government of India ?

Dr. M. M. Das: This question relates to a particular Seminar that was held in Lucknow and a joint project of Australia and India. I do not know how this supplementary could arise out of this main question.

Shri Bhagwat Jha Azad: May I know whether the Government of India sent any representatives to the Seminar and, if so, whether they have submitted a report in this regard ?

Dr. M. M. Das: The Government of India sent 23 representatives to the Seminar. As the proceedings have been sent to the Government of India, I think there is no necessity for submitting any report.

Yogic Research

*415. **Shri Krishnacharya Joshi**: Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 1010 on the 22nd August, 1955 and supplementaries thereto and state the result of the research in Yogic conducted so far ?

The Parliamentary Secretary to the Minister of Education (Dr. M.M. Das): Research is a continuous process and it is difficult to give a complete account of the results of research at this stage.

Shri Krishnacharya Joshi: May I know what is the nature of the research in Yoga ?

Dr. M. M. Das: The following subjects were taken up by the Kaivalyadham Shreeman Madhava Yoga Mandir Samiti of Lonavla, Poona, for carrying out research in Yoga ;

(1) Manemetric studies on inter-oesophageal, intergastric and inter-vesical pressure as modified by the various *asanas*, *mudras* or *shatkriyas* ;

(2) Pranayamams, exercises of various types and determination of their physiological values from the points of view of absorption of oxygen, elimination of carbon-dioxide, determination of respiratory co-efficient, extent of energy required for each exercise, the changes of these exercises bring about in the blood within a particular period of time, the preservation of acid base equilibrium and X-ray studies of particular yogic exercises with a view to understand the exact positions of internal organs under particular exercises.

(3) Pranayamam and *bandhas* and their effect on the heart.

WRITTEN ANSWERS TO QUESTIONS

Indian Naval Dockyard Apprentice School Bombay

*382. **Dr. Satyawadi**: Will the Minister of **Defence** be pleased to state the number of apprentices who are at present receiving training in the Indian Naval Dockyard Apprentice School, Bombay and the number of Scheduled Caste apprentices, among them, if any ?

The Deputy Minister of Defence (Sardar Majithia): 366 of whom 24 belong to Scheduled Castes.

Indian Navy Air Unit

*384. **Shri N. Rachiah**: Will the Minister of **Defence** be pleased to state :

(a) whether it is a fact that two high ranking British Naval Officers have been loaned by the Royal Navy for development of the Air Unit of the Indian Navy ;

(b) if so, on what conditions they will serve ; and

(c) the period for which they will serve in India ?

The Minister of Defence (Dr. Katju): (a) to (c). The Chief of Naval Aviation is the only high-ranking officer on loan from the Royal Navy for a period of 2½ years. He is serving under the same terms and conditions of service as are applicable to other R.N. officers on loan to the Indian Navy.

Hindustan Aircraft Ltd.

*386. **Shri D. C. Sharma**: Will the Minister of **Defence** be pleased to state :

(a) whether there is any proposal under consideration for manufacturing Folland Gnat Aircrafts by Hindustan Aircraft Ltd., Bangalore ; and

(b) if so, under what conditions ?

The Minister of Defence (Dr. Katju): (a) Yes, Sir

(b) The matter is still under consideration.

Wellington Cantonment

*390. **Shri N. M. Lingam**: Will the Minister of **Defence** be pleased to state :

(a) whether it is a fact that the land occupied by the Wellington Cantonment was acquired on 99 years' lease from the previous land-owners ; and

(b) what the position of the land will be after the expiry of lease period ?

The Deputy Minister of Defence (Sardar Majithia): (a) The land was acquired for perpetual use and not on lease for 99 years.

(b) Does not arise.

Exchange of Scientists

*393. **Shri M. D. Joshi:** Will the Minister of **Education** be pleased to state whether any proposal for exchange of scientists between India and Russia is under consideration?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): No, Sir.

Electoral Rolls

*400. **Shri R. N. S. Deo:** Will the Minister of **Law** be pleased to refer to the reply given to Unstarred Question No. 211 on the 4th August, 1955 and state :

(a) whether the revision of electoral rolls for 1955 has been completed;

(b) if so, the State-wise figures of increase or decrease; and

(c) whether any inquiry has been held into the causes of abnormal increase or decrease and if so, the results thereof?

The Minister of Law and Minority Affairs (Shri Biswas) : (a) to (c). The revision of electoral rolls has been completed in 18 States. A statement showing State-wise figures of increase or decrease and reasons therefor is laid on the Table of the House. [*See* Appendix III, annexure No. 21].

Mineral Oils

*402. **Seth Achal Singh :** Will the Minister of **Natural Resources and Scientific Research** be pleased to lay a statement on the Table of the House giving details of the progress made in locating mineral oils at Jaisalmer in Rajasthan ?

The Minister of Natural Resources (Shri K. D. Malaviya) : A statement giving the required information is laid on the Table of the House. [*See* Appendix III, annexure 22].

Bank Commission for Travancore-Cochin

*405. **Shri Punnoose:** Will the Minister of **Finance** be pleased to state:

(a) whether Government have constituted a Bank Commssion for the Travancore-Cochin State;

(b) if so, particulars of the members of the Commission and the basis of their selection; and

(c) if the reply to part (a) be in the negative, when the Commission will be constituted?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) to (c). It is expected that the Commission will be shortly constituted. The names of members and the terms of reference will be announced in the Gazette of India as soon as the Commission is set up.

Backward Classes Board

*408. **Shri Bheekha Bhai:** Will the Minister of **Home Affairs** be pleased to state the steps taken in regard to the constitution of a Backward Classes Board at the Centre?

The Deputy Minister of Home Affairs (Shri Datar): The matter is under consideration.

Rehabilitation Finance Administration

*416. **Shri Gidwani:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that displaced persons who had received their first instalment of sanctioned loans from the Rehabilitation Finance Administration have not been paid the balance; and

(b) if so, the reasons therefor?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) and (b). In some cases there has been some delay in disbursing the second instalments due to the non-fulfilment of the terms and conditions governing the grant of such loans. The conditions were relating to compensations claims. On account of the hardship caused to the applicants the Government have subsequently revised these conditions. Orders have been issued to make payments.

Scientific Service Commission

*417. **Shri D. C. Sharma:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether it is a fact that Government are considering a proposal for setting up of a Scientific Service Commission; and

(b) if so, when it is likely to materialise?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) No, Sir

(b) Does not arise.

Central Advisory Board of Education

*418. **Shri S. K. Razmi:** Will the Minister of **Education** be pleased to state:

(a) whether any meeting of Basic Education in Standing Committee of the Central Advisory Board was held recently;

(b) if so, the main recommendations of the Committee; and

(c) the steps, if any, taken or proposed to be taken to implement them?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix III, annexure No. 23].

संस्कृत

*४१९. **डा० राम सुभग सिंह** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि शिक्षा मंत्रालय के तत्वावधान में हाल ही में हुए संस्कृत के अध्यापकों तथा प्राध्यापकों के एक सम्मेलन में एक संकल्प पास किया गया है जिसमें यह मांग की गई है कि संस्कृत अध्ययन का एक अखिल भारतीय बोर्ड शीघ्र ही बनाया जाये; और

(ख) यदि हां, तो उस पर क्या निर्णय किया गया है ?

शिक्षा मंत्री के सभासचिव (डा० एम० एम० दास) : (क) हां श्री, सम्मेलन ने एक संकल्प पास किया जिस में ऐसा बोर्ड बनाने की आवश्यकता प्रकट की गई है।

(ख) सम्मेलन की कार्यवाही अभी तैयार हो रही है।

Indian Institute of Technology, Kharagpur

*420. **Shri Shree Narayan Das:** Will the Minister of **Education** be pleased to state:

(a) whether the full-time course in Industrial and Production Engineering at the Indian Institute of Technology, Kharagpur is in operation; and

(b) if so, the number of students who have undergone that course and those who are undergoing it now?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix III, annexure No. 24].

Defence Services Officers

*421. { **Sardar Hukam Singh:** **Shri Bahadur Singh:**

Will the Minister of **Defence** be pleased to state:

(a) whether the Defence Services Officers have compulsorily, to submit periodical reports about their financial position;

(b) if so, what is their general financial condition; and

(c) what percentage out of them is in debt ?

The Deputy Minister of Defence (Sardar Majithia): (a) No, Sir.

(b) Does not arise.

(c) The information is not available.

Secretariat Appointments

*422. **Dr. Satyawadi:** Will the Minister of **Home Affairs** be pleased to state:

(a) the number of cases rejected by the U.P.S.C of direct appointments made in Class I and II Services in each Ministry during 1953, 1954 and 1955; and

(b) the number of cases in which those rejected persons have again been absorbed in service.

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). It is not clear what is referred to as direct appointments being rejected by the Union Public Service Commission. Direct appointments to Class I and Class II Services, except in cases specifically excluded from the purview of the Union Public Service Commission, have to be made in consultation with the Commission unless the appointments are such that they are not likely to last for more than one year. As, however, Union Public Service Commission selection, after due advertisement, naturally takes sometime, it often becomes necessary to make provisional appointments to carry on the work in hand. Such appointments are made on the clear understanding that persons so appointed will have to vacate unless they are themselves selected by the Union Public Service Commission, as soon as the Commission's nominees are ready to join the post. These instances do not amount to appointments made by Govern-

ment being rejected by he Union Public Service Commission, nor is there any bar to persons provisionally appointed in this manner being subsequently appointed to other posts under Government.

Kolar Gold Mines

*423. **Shri N. Rachiah, Shri N. B. Chowdhury: Shri Krishnacharya Joshi:**

Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether any report has been submitted by the expert team deputed by the Central Government for collecting information regarding the working conditions in the Kolar Gold Fields in Mysore State; and

(b) if so, what are the findings of the report ?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) Yes, Sir.

(b) The report is under consideration of the Central Government and the Government of Mysore and it will not be in the public interest to disclose the contents at present.

Cess Funds

*424. **Shri Gidwani:** Will the Minister of **Finance** be pleased to state:

(a) the number of separate Cess Funds which are still maintained;

(b) the commodities on which these cesses are levied; and

(c) whether these cess funds will be brought into the Consolidated Fund of India ?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Fifteen.

(b) A statement is laid on the Table of the Lok Sabha. [*See* Appendix III, annexure No. 25].

(c) Transfer of the cess collected in nine cases out of fifteen, is made through the Consolidated Fund of India. A similar procedure is proposed to be adopted in the remaining cases as early as possible.

Industrial Credit and Investment Corporation

*425. **Shri D. C. Sharma:** Will the Minister of **Finance** be pleased to state the capital that has been subscribed so far to the Industrial Credit and Investment Corporation ?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): Rupees Five crores.

Scholarships for the Handicapped

*426. **Dr. Ram Subhag Singh:** Will the Minister of **Education** be pleased to state:

(a) whether Government have decided to award some scholarships to handicapped students ;

(b) if so, the number of such scholarships which will be awarded during the current financial year; and

(c) the value of such scholarships ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) and (c). A statement giving the requisite information is laid on the Table of the Lok Sabha . [*See* Appendix III, annexure No. 26].

Foreign Technical Assistance

*123. **Shrimati Maydeo:** Will the Minister of **Finance** be pleased to state:

(a) the extent of technical assistance secured from abroad so far during 1955-56; and

(b) how it has been allocated to different projects ?

The Minister of Finance (Shri C. D. Deshmukh): (a) Technical Assistance is obtained from abroad in the form of (1) experts and any ancillary equipment which may be needed by them for purposes of demonstration etc. and (2) training facilities. A statement showing the number of foreign experts obtained and the number of Indians sent abroad for training, and their fields of work under the United Nations Technical Assistance Administration Programme, the Colombo Plan and the Indo-U.S. Technical Co-operation Programme, is laid on the Table. [*See* Appendix III, annexure No. 27].

(b) Services of Foreign Experts and facilities for training abroad are provided by the assisting countries according to what the Government of India request. There is no allocation by projects as such.

Preservation of Cave Paintings

217. **Shri H. N. Mukerjee:** Will the Minister of **Education** be pleased to state whether regular contacts are being established with the Tun Huang Institute in China for exchange of information about the preservation of cave paintings and allied matters ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): No, Sir.

Customs Collectorate, Bombay

218. Shri Kamath: Will the Minister of **Finance** be pleased to refer to the reply given to Unstarred Question No. 1221 on the 28th September, 1955 and state:

(a) whether the examination of the matter of granting exemption from passing the departmental examination in the case of displaced Government servants employed in Customs Collectorate, Bombay, has been concluded ; and

(b) if so, with what results?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Yes Sir.

(b) The suggestions contained in the Ministry of Home Affairs Office Memorandum No. 71/53/53-D.G.S. dated the 15th November, 1954, on the question of grant of exemption to displaced Government Servants have been carefully examined in the light of the specialised nature of work in the Income-tax, Central Excise and Customs Departments and general orders have been issued on the 17th October, 1955 [*See* Appendix III, annexure No. 28] prescribing conditions on the fulfilment of which Displaced Government Servants may be granted exemption from passing the Departmental Examination and allowed special additional chances to qualify in the examination.

राज्योत्सवों पर व्यय

२१९. **श्री श्री नारायण दास** : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) विभिन्न मंत्रालयों ने गत दो वर्षों में विभिन्न उत्सवों, स्वागत समारोहों, और उसी प्रकार के अन्य अवसरों के लिये कितने धन की अनुमति (अलग अलग) वित्त मंत्रालय से मांगी और कितना धन मंजूर किया गया;

(ख) विभिन्न मंत्रालय किन किन उत्सवों पर वित्त मंत्रालय की स्वीकृति बिना व्यय कर सकते हैं;

(ग) क्या इस विषय में कोई स्थायी आदेश (स्टेंडिंग आर्डर) है; और

(घ) यदि हां, तो क्या उसकी एक प्रति सभा के टेबल पर रखी जायेगी ?

राजस्व और असैनिक व्यय मंत्री (श्री एम० सी० शाह) : (क) सूचना इकट्ठी की जा रही है, जो समय पर सदन की मेज पर रख दी जाएगी ।

(ख) तथा (ग). प्रधान मंत्री के सचिवालय, गृह मंत्रालय तथा विदेश मंत्रालय के लिए हर साल मनोरंजन निधियों की व्यवस्था की जाती है । वित्त मंत्रालय की विशेष स्वीकृति के बिना, इन निधियों से किन कामों के लिए और कितना धन व्यय किया जा सकता है, इसका उल्लेख इस प्रयोजन के लिए बनाये गये स्थायी आदेशों में किया गया है ।

(घ) सरकारी आतिथ्य संगठन, विदेश मंत्रालय की आतिथ्य निधि तथा गृह मंत्रालय की मनोरंजन निधि के लिए बनाये गये नियमों की प्रतियों की बारे में [देखिये परिशिष्ट ३ अनुबन्ध सं० २९] ।

Indian Institute of Technology, Kharagpur

220. Shri Shree Narayan Das: Will the Minister of **Education** be pleased to state:

(a) the number of residential study courses on Management Practices and Production Management so far held at the Indian Institute of Technology, Kharagpur; and

(b) the number of persons who have so far attended these courses giving separate figures in respect of persons sent by private employers and by Government?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). The number of Residential Study Courses in Management so far conducted, the subject of the courses, the number of persons sent by private employers and Government, who attended

these courses are as follows:—

No. of courses	Subjets of courses	No. of persons who attended the courses	
		Sent by private Employers.	Sent by Government.
4	Management Practice	27	18
	Production Management	20	19
	Works Management	16	18
	Industrial Inspection	18	3
	TOTAL	81	58

पुस्तकालय सम्बन्धी गोष्ठी (सेमिनार)

२२१. { **श्री श्री नारायण दास :**
श्री भागवत झा आज़ाद :

क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) "समाज शिक्षा में पुस्तकालयों का भाग" नामक विषय पर जो गोष्ठी अप्रैल में दिल्ली में हुई थी उसमें किन किन संस्थाओं ने भाग लिया;

(ख) इस गोष्ठी में किन विषयों पर विचार-विमर्ष किया गया; और

(ग) इस गोष्ठी ने किस प्रकार की सिफ़ारिशें की हैं ?

शिक्षा मंत्री के सभा-सचिव (डा० एम० एम० दास) : (क) से (ग). एक विवरण सभा पटल पर रख दिया गया है । [देखिये परिशिष्ट ३, अनुबन्ध सं० ३०]

Re-insurance Corporation

222. { **Sardar Hukam Singh:**
Shri Bahadur Singh:
Shri Kasliwal:
Shri Bhagwat Jha Azad:
Shri Shree Narayan Das:
Shri Jhulan Sinha:
Shri Radha Raman:
Shri S. K. Razmi:
Shri Ibrahim:
Shri Nambiar:
Shri Aniruddha Sinha:

Will the Minister of **Finance** be pleased to state:

(a) whether the proposal to set up a Re-insurance Corporation has been finalised;

(b) whether the Indian insurance companies have agreed to this proposal; and

(c) the extent of Indian re-insurance business undertaken by foreign companies during 1953-54, and 1954-55?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) and (b). The matter is under active examination by the Executive Committee of the General Insurance Council.

(c) The figures are not available.

समाज शिक्षा कार्यकर्ताओं और अध्यापकों की भर्ती

२२३. **श्री एम० एल० द्विवेदी** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि २४ हजार अध्यापकों और ६०० समाज-शिक्षा कार्यकर्ताओं की नियुक्ति सम्बन्धी योजना के सिलसिले में चालू वर्ष के दौरान में कितने अध्यापकों और समाज-शिक्षा कार्यकर्ताओं की नियुक्ति की गई है ?

शिक्षा मंत्री के सभा-सचिव (डा० एम० एम० दास) : अध्यापक १६,७३६
समाज-शिक्षा कार्यकर्ता ५३९

Mines Blowing off in Jammu and Kashmir

224. { **Chaudhari Muhammed Shaffee:**
Shri Raghunath Singh:

Will the Minister of **Defence** be pleased to state:

(a) the total number of persons who died and the cattle which perished as a result of the blowing off of mines near the border in Jammu and Kashmir State since the 1st January, 1952;

(b) the names of the places where people and cattle became the victims of these mines;

(c) whether any compensation has been paid to the survivors of the victims;

(d) if so, the total amount so paid and the amount paid *per capita* ; and

(e) the number of the cases in which no compensation has been paid so far?

The Minister of Defence Organisation (Shri Tyagi): (a) 26 civilians and 64 cattle.

(b) It is not in the public interest to disclose this information.

(c) to (e). No claims have been received.

Indian Students Abroad

225. Shri S. L. Saksena: Will the Minister of **Education** be pleased to state:

(a) the number of Indian students studying abroad in 1954-55 and 1955-56 in the following countries:

(i) the U.K.,
(ii) the U.S.A.,
(iii) the U.S.S.R.,
(iv) other European countries,
(v) the People's China,
(vi) other Asian countries;
(vii) Canada,
(viii) Australia,
(ix) New Zealand, and
(x) other countries of the world;

(b) how many of these students hold foreign scholarships from the Government of India ; and

(c) how many of these students are learning advanced (i) Science, (ii) Technology, (iii) Engineering, and (iv) Agriculture?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). A statement giving information as on 1-1-1955 is placed on the Table of the House. [*See* Appendix III, annexure No. 31].

(c) Information is not available.

Visit of Officials to China

226. Shri D. C. Sharma: Will the Minister of **Finance** be pleased to state:

(a) the number and designations of the Government officials who have visited China in 1955;

(b) the purpose of such visits; and

(c) the total expenditure incurred on them?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) to (c). The information is being collected and will be laid on the Table of the House as soon as available.

Social Welfare Institutes

227. Shri D. C. Sharma: Will the Minister of **Education** be pleased to state:

(a) the total amount of financial aid granted to different institutions in the Punjab State by the Central Social Welfare Board during 1955-56 so far;

(b) the number and names of organisations to which this aid has been given; and

(c) the number of organisations which applied for aid and the number of applications which have been rejected?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Rs. 66,500 upto July, 1955.

(b) A statement giving the requisite information is laid on the Table of the House. [*See* Appendix III, annexure No. 32].

(c)	Applied for	Rejected
	36	5

Schools in Andamans and Nicobar Islands

228. Shri D. C. Sharma: Will the Minister of **Education** be pleased to state:

(a) the number of schools in Nicobar and Andaman Islands; and

(b) the names of places where they are situated?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). A statement is laid on the Table of the House. [*See* Appendix III, annexure No. 33].

I.A.S. and I.P.S. Officers

229. Shri D. C. Sharma: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of I.A.S. and I.P.S. officers appointed so far in Punjab State since the 15th August, 1947; and

(b) the number of I.A.S. and I.P.S. officers transferred from Punjab to other States or the Central Government during the same period?

The Deputy Minister of Home Affairs (Shri Datar): (a) I.A.S. 34 of whom 5 have retired.

I.P.S. 50 of whom 7 have retired and 3 have died.

(b) No I.A.S./I.P.S. officer has been permanently transferred from the Punjab Cadre to another State or to the Central Government.

Foreign Experts

230. Shri D. C. Sharma: Will the Minister of **Finance** be pleased to state:

(a) the number of experts who visited India during 1955 under the various Tec hn cal Assistance Schemes;

(b) the names of the countries from which they came;

(c) the various subjects on which they were consulted; and

(d) the nature of recommendation-made by them?

The Minister of Finance (Shri C. D. Deshmukh): (a) to (c). A statement is laid on the Table. [*See* Appendix III, annexure No. 34].

(d) The experts obtained under the Technical Assistance Schemes are usually employed in an advisory and consultative capacity and do not submit regular reports of their recommendations.

Youth Camps

231. Shri M. S. Gurupadaswamy: Will the Minister of **Education** be pleased to state:

(a) the number of youth camps or ganised by the varipus States separatel during the years 1954-55 and 1955-56 (uptil O ctober);

(b) the amount of grants given by the Central Government for these youth camps;

(c) whether Government have received any reports as to the working of these camps; and

(d) if so, the reaction of Government thereto?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) 447 camps during 1954-55; 795 camps from April 1955 to 31st October, 1955.

(b) Rs. 22,18,468/- during 1954-55.
Rs. 44,96,528/- upto 31-10-55.

(c) Yes in some cases.

(d) The camps have been conducted successfully in most of the cases. Since leadership and proper organization are essential for the success of camps, stress is being laid on organizers' traning camps so that the efficiency of camps may be improved through good leadership.

Technical Co-operation Aid Agreement

232. Shri R. N. Singh: Will the Minister of **Finance** be pleased to state the number of Indians sent to U.S.A. during 1955-56 (till the 30th September) under the Technical Co-operation Aid Agreement?

The Minister of Finance (Shri C. D. Deshmukh): 39.

Classification of Delhi for Allowance Purposes

233. Shri Gidwani : Will the Minister of **Finance** be pleased to state:

(a) whether Government have recently considered the proposal of declaring Delhi as 'A' class city for the purposes of allowances, etc., admissible to Central Government employees; and

(b) if so, what decision has been arrived at?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) No.

(b) Does not arise.

Public Administration Project

234. Dr. Ram Subhag Singh : Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that the Government of India have received an offer of extending training facilities in Public Administration Project from the T. C. M. authorities under the sponsorship of Columbia University;

(b) if so, what will be the duration of each training course;

(c) how many Indian students will be given this training in each batch; and

(d) what qualifications have been prescribed for selecting students?

The Minister of Finance (Shri C. D. Deshmukh): (a) to (c). Yes, the offer is for one training course commencing on the 15th January, 1956, and the duration of the course will be about 26 weeks. It is proposed to send three nominations as it is understood that there are three places open for this course.

(d) Candidates should have a first Class academic career and should actual'y be engaged in the field of study. They

should not ordinarily be more than 40 years of age, and should be sponsored by Universities, or Central or State Governments. The candidates should also be prepared to serve the sponsoring authorities for at least three years after their return.

Permits for Jammu and Kashmir

235. **Shri D. C. Sharma:**
Sardar Iqbal Singh:

Will the Minister of **Defence** be pleased to state the number of persons who applied for permits for entry into the Jammu and Kashmir State from the 1st April to the 15th November, 1955?

The Minister of Defence (Dr. Katju): From the 1st April to the 15th November, 1955, the number of persons who applied to the Ministry of Defence for permits for entry into the Jammu and Kashmir State was 12,943. Information regarding the number of applications received by the State Governments is being collected and will be laid on the Table of the House in due course.

Multi-purpose Schools

236. **Sardar Iqbal Singh:** Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 1938 on the 20th September, 1955, and state the total amount spent on conversion of secondary schools int Multi-purpose schools during 1955-5 State-wise?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The information will have to be collected from the States and will not be available before the end of the current financial year.

Social Welfare Projects in Punjab

237. **Sardar Iqbal Singh:** Will the Minister of **Education** be pleased to state:

(a) the number of Rural Social Welfare Projects started in the Punjab, so far;

(b) the number of places and total villages covered by these projects; and

(c) the amount to be spent on these projects during this year?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) 9.

(b) 25 centres covering 164 villages.

(c) 2.90 lakhs.

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DEBATES

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Friday, 2nd December, 1955

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER ESSENTIAL COMMODITIES ACT

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): I beg to lay on the Table, under sub-section (6) of Section 3 of the Essential Commodities Act, 1955, a copy of the Notification No. S.R.O. 2247, dated the 12th October, 1955 cancelling the Ministry of Food and Agriculture Notification No. S.R.O. 2740, dated the 25th August, 1954. [*Placed in Library, See* No. S—406/55].

MOTION FOR ADJOURNMENT

SITUATION IN RATACHERA IN AGARTALA

Mr. Speaker: The House will now take up the consideration of the adjournment motion tabled by Shri Dasaratha Deb and Shri Biren Dutt regarding alleged police expresses in Ratachera in Agartala (Tripura). The hon. Deputy Minister will now make a statement.

The Deputy Minister of Home Affairs (Shri Datar): The reports received from Tripura show that the allegations that on the 21st November, 1955, the Police burnt houses, molested women and beat the people in Ratachera as a result of which panic prevails in six villages are entirely incorrect. The facts ascertained are as follows:

On the 22nd October, 1955, on Dhan Singh of vollage Emrapasa was arrested by the Police of Fatigroy Police Station for being in possession of an unlicensed gun. While the Police party were returning to the Police Station with the arrested man, a mob of about 300 persons attacked the police and forcibly took way Dhan Singh from their custody and chased the police party. Some local villagers gave shelter to the police. In order to preserve order in the area where the mischief-makers who had attacked the police had gone underground and to give protection to the law-abiding villagers who assisted the police, a temporary police camp has been opened in the village of Emrapasa which is inhabited mostly by anti-social elements. So far only two accused persons have been arrested. The anti-social elements who were responsible for the attack on the police are reported to have themselves set fire to some dilapidated huts with a view to accusing the police of oppression. The State Government have reported that all allegations that the police burnt down houses of villagers, tortured their women and looted money, rice, jute, etc., and created a state of terror are entirely incorrect.

Shri Dasaratha Deb (Tripura East): The police went to Emrapasa and Demdumchara villages, caught hold of three women and raped them. When the other womenfolk came to the spot to rescue the raped women, the police fired four rounds and burnt their houses and in order to hide from view such barbarous acts, they fabricated the unlicensed gun story. Four

[Shri Dasaratha Deb]

women from Boratali of Sabroom, who were raped by policemen have already given a complaint to the local authorities. Two policemen were punished, it is learnt. I want to say that a situation of terror is prevailing in Emrapasa, Ratachera, Raj Krishnapara and Gungamanik para, Rani Bala-Gopa, Kiran Bala Debi, Gitarani Debi and Mohanbarsi Debi of Boratali and Kalapura area of Subroom where the four women who were molested. It is a very important matter and I request the hon. Speaker to allow this motion to be discussed in this House.

Shri Biren Dutt (Tripura West): Women have been raped and on the representation from the ladies, to the Police Superintendent, two police officers have been suspended. When that is the case, how can we be satisfied with statements like the one made by the Deputy Minister?

Mr. Speaker: There seem to be two different stories and I think I must accept the story given by the Deputy Home Minister. But it appears that there is room for further investigation and ascertainment of facts. Now specific instances have been given by the hon. Members. What has troubled me most is the allegation of molestation of women. I could perhaps imagine that there might have been some reprisals, though it is difficult to see what the facts were; but, the molestation of women even as a part of reprisals is a thing which it is difficult to swallow. I would, therefore request the hon. Home Minister to make further enquiries into the specific allegations made now and give a statement in respect of those facts; and, then I will dispose of this Adjournment Motion.

The Minister of Defence Organisation (Shri Tyagi): I would like to submit one point for clarification. Up till now there has been a custom in this House that allegations against the official machinery were based on some publicity made thereof or some other grounds. So, I hope the hon'ble Member has some such document in his hand whereby he can make these allegations in this House. If allegations have been on personal information, they have been ruled out. Therefore, unless he has some cuttings from the Press or some other authentic proof of what he says, the adjournment motion could not be admissible.

Mr. Speaker: Of course, the general rule is that so far as the question of facts is concerned, the statement of the Government has to be accepted. But in this particular case it appears *prima facie* that the set of facts as stated by the hon. Members is different from the set of facts as disclosed by the hon. Minister. Now, the information may not necessarily be documentary. The hon. Member may have statements of persons whom he considers to be reliable. He may not have any such statements, but I presume he is relying upon something which at least *prima facie* is a ground for further investigation of facts. The press reports may or may not be true. I am not relying on press reports; but hon. Members coming from that area are probably more aware when they are giving specific instances and naming persons and villages. They also allege the fact that the Police Superintendent of the place investigated into the matter and has dealt with two police officers in respect of molestation of women. That, I think, is serious enough, deserving a further enquiry to ascertain the facts, and it would be wrong on my part to disallow this motion merely on the statement of the facts as disclosed by the Home Minister. That is how I feel about it. To my mind it is a serious matter that the police who are expected to protect the people should be capable of committing offences of rape and molestation of women; whether it is in a remote corner or in a city it is immaterial. That is how I feel about this.

Shri Kamath (Hoshangabad): As you are holding over this motion, may I request you to direct the hon. Minister to make a further statement within a week at the outset or at any rate

during this session? It should not be delayed too long.

Mr. Speaker: The object of the motion is to know the facts correctly. Though I should like the statement to be made as early as possible because this is an adjournment motion, the statement should be as complete and as correct as possible. I am sure the two hon. Members who have tabled this motion will help the hon. Minister with facts in their possession to enable him to make a complete enquiry into the matter and then come to the House for the disposal of this adjournment motion.

Shri Biren Dutt: I can place a statement of those who had been raped.....

Mr. Speaker: Order, order. The hon. Member may submit those statements to the Home Minister, have a talk with him and help him in the matter of ascertainment of facts.

RAILWAYS STORES (UNLAWFUL POSSESSION) BILL

Mr. Speaker: I have to inform the House as follows:

The Railway Stores (Unlawful Possession) Bill, 1954, was passed by Rajya Sabha on the 31st August, 1954 and was transmitted to this House on the 1st September, 1954. This House referred the Bill to a Select Committee on the 12th March, 1955 and the Select Committee presented its Report on the 31st March, 1955. The Bill as reported by the Select Committee of this House was passed by the House yesterday

The Select Committee made changes in clauses 1, 2 and 3 and the enacting formula to which the House agreed yesterday.

The Bill as amended by this House is now to be transmitted to Rajya Sabha for their concurrence in the amendments to the Bill made by this House yesterday. A message is accordingly being sent to Rajya Sabha.

CORRECTION OF ANSWER TO STARRED QUESTION

The Deputy Minister of Defence (Sardar Majithia): In connection with Starred Question No. 1137 answered in the Lok Sabha on the 25th of August 1955, Shri Syamnandan Sahaya asked a supplementary question whether the mine sweepers were new or old. In reply I said that the are not very old, they are certainly not new. I regret that what I stated in my reply is not correct and I seek your permission to correct my answer and substitute it by the following:

They are brand new.

PART C STATES (LAWS) AMENDMENT BILL

The Deputy Minister of Home Affairs (Shri Datar): I beg to introduce the Bill further to amend the Part C States (Laws) Act, 1950, for the purpose of extending certain Acts to the State of Manipur.

DELHI (CONTROL OF BUILDING OPERATIONS) BILL

The Minister of Health (Rajkumari Amrit Kaur): I beg to move for leave to introduce a Bill to provide for the control of building operations in Delhi.

Mr. Speaker: The question is:

"That leave be granted to introduced a Bill to provide for the control of building operations in Delhi."

The motion was adopted.

Rajkumari Amrit Kaur: I introduce the Bill.

PREVENTION OF DISQALIFICATION (PARLIAMENT AND PART C STATES LEGISLATURES) AMENDMENT BILL

The Minister of Law and Minority Affairs (Shri Biswas): I beg to move for leave to introduce a Bill further to amend the Prevention of Disqulification (Parliament and Part C states Legislatures) Act, 1953.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill...

Shri T. B. Vittal Rao (Khammam): It has become a yearly feature.

Shri N. R. Muniswamy (Wandiwash): What is the reason for the extension of time?

Mr. Speaker: Hon. Members will see, a Committee was appointed by me to go into the question of disqualifications and offices of profit and all that. It studied the question for a long time and it has submitted its report recently. That report has been taken into consideration. A new Bill will come.

That is why extension by any one clause Bill is asked for.

The question is:

"That leave be granted to introduced a Bill further to amend the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953."

The motion was adopted.

Shri Biswas: I introduce the Bill.

PAPER LAID ON THE TABLE

Statements giving reasons for promulgations of Delhi (Control of Building operations) Ordinance.

The Minister of Health (Rajkumari Amrit Kaur): I beg to lay on the Table a copy of the Explanatory Statement giving reasons for immediate legislation by promulgation of Delhi (Control of Building Operations) Ordinance 1955 (5 of 1955), as required under Rule 89(1) of the Rules of Procedure and Conduct of Business of Lok Sabha. [*See* Appendix III, Annexure No. 35].

CITIZENSHIP BILL

Mr. Speaker: Bills for consideration and passing. There is the Bill to provide for the acquisition and termination of Indian citizenship, as reported by the Joint Committee. The hon. Deputy Minister will make the motion for it. The time allotted for this is 15 hours. How shall we divide this? For general discussion?

An. Hon. Member: Ten hours.

Shri Kamath (Hoshangabad): There are a number of amendments.

Shri N. C. Chatterjee (Hoogly): I suggest eight hours may be allotted for general discussion and seven hours for the clause by clause consideration.

Mr. Speaker: For the third reading?

Shri N. C. Chatterjee: Let it be eight hours, six hours and one hour.

Shri B. S. Murthy (Eluru): It may be eight hours for general consideration, and five hours and two hours.

Shri Bansal (Jhajjar-Rewari): It may be 10 hours plus four hours and one hour.

Shri T. S. A. Chettiar (Tiruppur): That is better.

Shri Kamath: The amendments are many. They will take a long time.

Mr. Speaker: There are so many different suggestions coming in. I will try to strike a mean: nine hours for the consideration motion, five hours for clause by clause consideration and one hour for third reading.

Shri Kamath: May I request that the time 1¼ hours that we have saved in the Stamp (Amendment) Bill may be transferred to this?

Mr. Speaker: Whatever saving is there has to be kept for pending. The hon. Deputy Minister.

The Deputy Minister of Home Affairs (Shri Datar): I beg to move:

"That the Bill to provide for the acquisition and termination of Indian citizenship, as reported by the Joint Committee, be taken into consideration."

When this Bill was before this House for reference to the Joint Committee, a number of points were raised, certain suggestions were made

and also certain complaints that the Bill was not satisfactory in certain aspects.

[MR. DEPUTY-SPEAKER *in the Chair*]

The hon. Home Minister promised that all the suggestions would be duly considered by the Joint Committee and whatever the Joint Committee decides will be accepted by the Government. I am very happy to find in this connection that the Joint Committee has gone over the whole ground, and so far as the suggestions and complaints are concerned, a large number of them have been accepted by the Joint Committee. We have before the House a Bill which has been improved in material particulars by the Joint Committee, and therefore, this Bill in the present from can become an Act.

I would briefly point out a few of the important improvements made in the Citizenship Bill by the Joint Committee. One of the points on which a certain amount of controversy was raised and some dissatisfaction was also expressed was with regard to what can be called the deprivation clause. You are aware that under the Constitution as also under the provisions of this Bill, it is open to migrants from Pakistan to India to get themselves registered as citizens. In the Bill there was a clause which related to the question of deprivation of the rights of citizenship in respect of those persons who have had either got themselves registered or who had got themselves naturalised. With regard to these persons, an objection was raised that so far as these displaced persons were concerned, they were Indians before Partitions, they are also Indian now and therefore, they should not be treated on a par with those who come to India from the other countries and apply for conferment of the rights of citizenship or for naturalisation. This was a very weighty argument. The Joint Committee has made it possible to except these two classes of persons from clause 10 which deals with the question of deprivation of the rights of citizenship. Therefore, you will find that those who became Indian citizens by registration under article 6(b) (ii) of the Constitution or under clause 5(1)(a) of the present Bill, need not come under the deprivation clause, and therefore there is no question or any danger of their right of citizenship being deprived by any procedure which has been laid down in clause 10. This is a very satisfactory state of affairs and clause 10 (1) has been suitably amended so as to take out of the purview of this Bill these two classes of persons who are mostly displaced persons. They now stand on the same footing as other citizens whose rights of citizenship cannot be taken away. It can be taken away only in certain cases and these two cases have been specially taken out of the purview of this Bill.

Another objection also was raised by my friend, Shri Anthony. He contended that a large number of Anglo-Indians had during the period of the war either consciously or even without knowing the result or the implications of the step that they were taking, had become the citizens of the United Kingdom, and if, for example, under the present Bill their rights of citizenship were to be taken away, that would constitute a great hardship to these people. This objection also was considered by the Joint Committee and they have now made a provision that only those who got themselves the rights of citizenship voluntarily after the commencement of the Constitution have ceased to be Indians and would not be Indians at all, but those who had become citizens by acquisition of these rights during the war are to be excepted. They would continue to be citizens of India and their citizenship would not be considered as having been renounced because during the war by whatever circumstances it might be they had either by application or otherwise consented to be the citizens of the United Kingdom or any other country. Therefore, this clause has also met the objection raised by Shri Anthony with regard to such persons.

[Shri Datar]

Then, the usual complaint has been made with regard to Commonwealth citizenship, and there is also a minute of dissent by some Members opposite. As I pointed out during the last discussion and as the Home Minister also pointed out, this Commonwealth citizenship cannot be equated with Indian citizenship at all. It is more or less a conventional expression which would maintain the connection between the Indians and also the Commonwealth countries, but it would be found that the Joint Committee has added one more restrictive clause. The present position is that under clause 2(1)(e), first a commonwealth citizenship law has to be defined. A Commonwealth law would be that law of that country which is requested by the Government of that country to be recognised by us. Therefore, you will find that a request has to come from a Commonwealth country for the recognition of their own law as the citizenship law. That is the first step. Then you will find that the question of reciprocity has been introduced in two places. Formerly, it was only at one place, in clause 12, but now in the amended clause 5(1) there is a proviso which makes it clear that these rights ought to be granted after taking into account what the conditions in the country are from which these applicants come. I would read to this House the new proviso that has been added by the Joint Committee to make it clear beyond all doubt that if there are any countries even in the Commonwealth which are guilty of discrimination, which have not been treating Indians properly, then those conditions obtaining in those countries would be taken into account before the doctrine of reciprocity is accepted. It is stated here in clause 5(1):

> "Provided that in prescribing the conditions and restrictions subject to which persons of any such country may be registered as citizens of India under this clause, the Central Government shall have due regard to the conditions subject to which citizens of India may, by law or practice of that country, become citizens of that country by registration."

Then, lastly, the original provision in clause 12 remains:

> "The Central Government may, by order notified in the Official Gazette, make provisions on a basis of reciprocity for the conferment of all or any of the rights of a citizen of India on the citizens of any country specified in the First Schedule".

Therefore, we have now got three provisions which fully safeguard the right of Indians, and it will not be possible for any country that is even in the Commonwealth that is practising discrimination against Indians to ask us either to recognise their nationality law or to make it possible for us to give rights of citizenship to a national of such a country.

Therefore, so far as Commonwealth citizenship is concerned, as I stated, it is more allegorical than realistic in the sense of conferment of certain rights and obligations. On the other hand, we have considered this question from another point of view also.

Shri Kamath: Allegorical?

Shri Datar: Allegorical in the sense that it is conventional, more courteous, if you like. It is indicative, symbolic of the relationship between the two countries. If the hon. Member likes the expression "symbolic" I have no objection. It is symbolic of the good relations between the Commonwealth countries, except one or two, and India.

Shri Kamath: I do not like either of them.

Shri Datar: Therefore, I would submit that there is absolutely no objection now to maintain the Commonwealth citizenship which, I would again point out, cannot be equated with Indian citizenship unless a number of formalties have been gone through. And these formalities, you

will find, are of substantial character. They are based on the doctrine of reciprocity, and whenever it is found that anything wrong or discriminatory is done or is likely to be done, then such rights will not be extended to the nationals of that particular country.

There are a number of Indians abroad who are in Commonwealth countries. They are elsewhere also. In the Commonwealth countries taken together, they are about 32 lakhs. In the United Kingdom there are about 7,000-odd Indians. We have to take into account also the conditions of these people, and therefore, it is advantageous to have the Commonwealth citizenship without any particular liabilities or obligations so far as we are concerned. Therefore, the original provision has been maintained in the amended Bill and an addition has been made according to which, it is made clear beyond doubt, that before this right can be extended to the nations of any such discriminating country, the conditions in that country would be taken into account. I therefore submit that so far as this question is concerned, there is absolutely no difficulty at all.

In clause 10 which deals with the deprivation of citizenship there was a clause which was fruitful of great controversy. The wording in the original clause was:

> "that citizen has shown himself by act or speech to be disloyal or disaffected towards the Government as established by law".

Fears and misapprehensions were expressed that the object of this particular provision was to expect loyalty towards the particular party that is governing the country. In order to meet this objection, though it was not sound or substantial, the Joint Committee has substituted the words "Constitution of India as by law established". Thus, the loyalty or the affection that is expected of such persons is loyalty or affection towards the Constitution. So far as this expression is concerned, it is a perfectly harmless and at the same time also a comprehensive expression. So, Government would not come into the picture, but only the Constitution would come into the picture. You would find also that the oath of allegiance that these persons have to take is an oath in respect of the Constitution, and the expressions that have been used here are the same as those which have been used in the form of the oath which has to be gone through.

My hon. friend Shri Kamath and a few other hon. Members had contended that the word 'Republic' should be introduced. Now, it is not very clear whether that expression would convey the whole idea. After all, it is the Constitution which has introduced the Republic in India. So, if we have got the expression 'Constitution', that will be more comprehensive, because the Constitution is larger than even the Republic which itself has been established only by the Constitution.

So, I would submit that so far as the expression 'Constitution' is concerned, it meets the demands or the requirements of the situation, on the one hand; and on the other hand, it meets also the objections that were raised namely that perhaps this provision might be abused for the purpose of expecting loyalty or affection towards the party in power. That was not the Government's desire at all, and therefore Government immediately agreed that the word 'Constitution' should be put in. So, you will find that one other objection also has been duly removed.

Then, you would find that whenever the provisions of the deprivation clause, namely clause 10, have to be brought into operation, a certain procedure has been laid down. One point that was raised—and that has been also a ground for a dissenting note—was that in all such cases, the proceedings ought to be a judicial proceedings and not an executive proceedings. So far as this matter is concerned, we have considered the whole question, and the Joint

[Shri Datar]

Committee also has considered it. In almost all the cases in the world, except in Russia, except in the U.S.A., where you will find that along with the change of the party in power after the elections the permanent officials also change, in all the other countries this power is trusted with the executive. You will find that here we have got a permanent executive as in the United Kingdom and other countries. If instead of trusting the executive in all these cases the matter has to be taken to the courts, and as some hon. Members have suggested, it has to be taken to the Supreme Court, the task would be not only a stupendous one, but almost an impossible one. After all, in such cases, the Government are responsible to the Parliament. And if in any case it is found that there has been an abuse of this power or privilege by Government, then surely it is open to you as the hon. Members of Parliament to turn out the Government. But so long as the Government are there, so long as the executive Government are there, we have to trust the executive Government. It might be pointed out that very important provisions have been introduced in this respect. It has been stated that a committee should be appointed, objection should be taken, the man should be heard and so on; and secondly the chairman of this committee ought to have at least ten years' judicial experience. Certain hon. Members have suggested that the chairman of such a committee should be a member of the Supreme Court Bench. Again, I would point out that that is not necessary at all; it might lead to cumbrousness. If we allow this matter to be made justiciable in the sense that all these cases should go to the courts, then that would be a laborious process, and it would not be even in the interests of the party concerned.

Two more provisions have been introduced by the Joint Committee in respect of this matter. One is that whenever the report of the committee of inquiry is received, ordinarily Government will accept that report. A special clause has been put in by the Joint Committee to that effect. That means that only in extraordinary or unusual cases Government can go back upon or depart from these recommendations, and that too only if there are very strong grounds.

The second provision that has been made is this. If such an order is passed by some authority, then ultimately the right of revision vests in Government. A special provision has been made, according to which the power to ask for a revision is given to the party aggrieved, and Government have the right to go into the whole question and to revise the order if they come to the conclusion that in that case the order passed was entirely wrong or was inequitable.

You will find that this particular task has been left, and has got to be left, to the executive Government, which Parliament has to trust. But I submit that certain safeguards have been laid down according to which it will not be open to Government to treat this question in an arbitrary manner at all. The committee of inquiry will go through the whole thing will hear the parties and then come to a conclusion, which will ordinarily be accepted by Government, and which only in exceptional cases Government would like to depart from. Even in cases where Government depart, you will find that Government are answerable to Parliament.

Therefore, I would submit that so far as this matter is concerned, the provision has been made stronger in the interests of the aggrieved party. So it was not possible either for the Joint Committee or for us to substitute a judicial machinery in place of the executive machinery which naturally has to carry out this work, as is the case in almost all the countries of the world.

There is also one other provision which has been specially laid down, and that is that there are two powers which cannot be delegated to others. One is the power under clause 10, so

far as deprivation is concerned, and the other is the power under the former clause 17 or the present clause 18 which deals with the rule-making powers. Ordinarily it is quite likely that the number of applicants under this Bill would be very large, and generally the powers would have to be delegated to either the State Governments or to the officers. But they would be working solely as the agents of the Central Government. However, the Joint Committee considered that certain powers ought not to be delegated to the others at all, namely the powers under clause 10 relating to deprivation of citizenship, and the powers under clause 18 dealing with the rule-making powers; and the responsibility should be solely on the Central Government. So, it is only the Central Government that should carry out the work under clause 10 or under the present clause 18. This suggestion has also been accepted. Therefore there need be no fear of a delegation of authority in respect of such important and substantial matters. As I have pointed out already, the right of revision also has been given.

The other day, in connection with two Bills, the question arose as to whether the delegated legislation should actually be made the subject-matter of the records of Parliament. In one case, we had agreed to this suggestion. For instance, in clause 18 a number of items have been mentioned in respect of which rules have to be made. Once these rules are made, the ordinary practice that Government follow even now is that they place those rules on the Table of the House; and within fourteen days during the same session, it would be open to any hon. Member of either this House or the other House to move an amendment saying that certain changes should be made in the rules themselves.

Shri Kamath: It is not the practice today. The other day it happened in the case of the Press Registration Bill moved by Dr. Keskar.

Shri Datar: I know in some cases that was so.

Sardar A. S. Saigal (Bilaspur): Not in all cases.

Shri Datar: For example, under the All India Services Act, we made certain rules and we have placed those rules before both Houses of Parliament, and there was a long discussion regarding the rules that were made applicable to the IAS and IPS.

Shri Kamath: It should be like that.

Shri Datar: In order to leave no scope for doubt, we accepted the suggestion made before the Joint Committee. Therefore, you will find that in clause 18 (4), it has been specifically laid down that:

> "All rules made under this section shall, as soon as may be after they are made, be laid for not less than fourteen days before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which they are so laid."

Therefore, my hon. friends opposite will now have a direct precedence so far as such delegated legislation is concerned. It has been put down as part of the present law itself, and that will enable Parliament also to change the rules, if it desires that any changes are necessary. These are the main points on which certain changes or amendments have been effected in the body of the Bill, and I have explained all of them.

Then another question—a minor question—was raised by some Members who have appended dissenting notes. They stated that those migrants to India from Pakistan etc. when they come to India should not be asked to get themselves registered; they should automatically be considered as Indian citizens. So far as this question is concerned, I have before me the authority of the Constitution itself. In article 6 of the Constitution, there are two clauses. According to one, they automatically become citizens, especially when they are citizens by descent. But in other

[Shri Datar]

cases, it would be found that the Constitution itself has laid it down that those persons who would enter India within a particular period ought to get themselves registered. Therefore, we have got a precedent in the Constitution itself. That has been followed so far as these new applicants or migrants to India are concerned.

Secondly, it was suggested that the need for registration would lead to some difficulties or hardships so far as the number of persons who sought citizenship was concerned. I would point out to this House that in this respect, as amongst others, Government are anxious that all these persons who have not yet become citizens and who are not entitled to vote ought to become citizens, and therefore, the preliminaries with regard to registration would be as simple as possible and no difficulties would be caused and no hardship would be occasioned to the persons concerned. Because the number of persons who are likely to seek registration would be in the region of lakhs, it is Government's desire that all these persons should give some information in the form of application for registration. That also is necessary and that will help Government to know particulars about the men. The moment it has been given, the further procedure of granting citizenship by registration would not be difficult at all. Therefore, so far as this formality is concerned, there need be no misapprehension, much less any misgiving.

Then a point was raised by Shri Kamath that Jammu and Kashmir should be specifically mentioned. So far as this question is concerned, you are aware that the definition of 'India' has been given in article 1, and it includes Jammu and Kashmir. The present policy is that if, for example, Jammu and Kashmir has to be excluded, it is specifically stated that is applies to the whole of India *minus* Jammu and Kashmir. Wherever such words of exclusion are not mentioned, it can be inferred that the State of Jammu and Kashmir is also included in the wide term 'India.' Therefore, it is not considered necessary to mention it here.

Shri U. M. Trivedi (Chittor): Quite correct.

Shri Datar: Then in one of the clauses, we have made provision for conferment of citizenship on certain eminent persons of the world who are by their knowledge, by their international reputation and other circumstances are of such a stature, that it would be a proud day for India if they were to become citizens of India. There, the rules that have been made so far as conferment of rights is concerned are relaxed to a very large extent. In the Joint Committee, it was suggested that amongst other things, we should also have a provision to include in clause 6 those persons before us who had worked for the maintenance of world peace. Therefore, the expression has also been added.

Then the word 'person' mentioned in the definition clause—clause 2—raised certain difficulties. So far as the conferment or the termination of the right of citizenship is concerned, the word 'person' has to be understood in its literal sense, namely, a living person. But the word 'person' according to its definition in certain Acts includes also corporate bodies like companies and others. Therefore, a question was raised as to whether a company should be a 'person', and threfore, to make it clear beyond doubt that a company or a body corporate could not be included in the definition for the purpose of acquisition or termination of citizenship, it has been made very clear that 'person' means a living person—'person' does not mean a juridical person or a body corporate. That has been made clear. We have got from my hon. friend, Shri N. P. Nathwani, a dissenting note regarding this. But you would find that if, for example, such bodies were to be included, then certain anomalies and difficulties would arise as to how the alleged citizenship of a body has to be terminated. Therefore, we have made it clear that the

expression 'person' has the ordinary dictionary meaning, and does not have also the legal meaning which is allowed in certain cases.

We have also made it clear that those who desire to be citizens of India must, before they apply, have ceased to be citizens of other countries.

Then in the deprivation clause, when, for example, a man has been convicted and the conviction has to be used as a ground for deprivation of the right of citizenship, the extent of punishment was one year. It was considered by a number of persons that some time even a punishment of imprisonment for one year might be used for technical offences. Therefore, the period has been increased to two years. When, for example, a man has been convicted and sentenced to a term of imprisonment for a period of two years or more within five years of his obtaining Indian citizenship, then naturally that ought to be considered as a circumstance sufficient for Government to deprive him of his right of citizenship.

The case of Indian students staying abroad for the purpose of their study has also been taken into account. Such a period of stay abroad would not in any way go against these students because they are staying there for the purpose of pursuing their studies.

That has also been accepted.

Shri Gadgil (Poona Central): Are they not citizens even before they left for study abroad?

Shri Datar: They stay abroad for more than 5 years and such long and continuous absence from India may, under certain circumstances, lead one to the belief that they do not want to come to India. Therefore, we have accepted this clause.

Shri Gadgil: The general proposition is that citizenship continues unless it is renounced.

Shri Datar: It continues unless it is renounced or unless there are circumstances to show that, in fact, they are renounced. If that is added the whole thing would be clear.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to provide for the acquisition and termination of Indian citizenship, as reported by the Joint Committee, be taken into consideration."

The time limit shall be 15 to 20 minutes.

Shri N. C. Chatterjee: In the post-war world, this question of citizenship or nationality has assumed a very important significance. Especially in India and Pakistan, as a result of the tragic partition of the country, the question of citizenship has affected the lives of millions of people. You know that in spite of pacts and in spite of treaties between the two countries, large numbers of refugees are still pouring into India and even today from East Bengal there is a continuous influx of refugees and both the Bengal Minister and the Indian Minister of Rehabilitation are very much disconcerted over this continuous migration. We have got now non-Muslim Ministers in East Pakistan; but, unfortunately, there has been no check on this flow of migration. Last year, you may remember, the hon. Minister may also remember that the International Law Conference met in the city of Delhi and the then Chief Justice of India, Mr. Justice Patanjali Shastri was the President. Because India and Pakistan were deeply perturbed over the question of citizenship, we had a special day devoted to the discussion of this problem, and a very distinguished Belgian Jurist Dr. F. Van Goetherm presided on that occasion. I had the privilege to sponsor or initiate a discussion on that subject of "Nationality and Citizenship."

In 1930 the Hague Convention tried to simplify this question of nationality and citizenship and they tried to have one uniform code of citizenship law so that people in different countries may know where they

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stand. The Hague Convention was convinced that it is in the general interests of the international community to secure that its members should recognise that every person should have a nationality. The Hague Convention also said that there should be one nationality only. You know specially those who have gone abroad know that in some cases people have got double nationality even against their will. A citizen of the United States of America who marries an Englishman acquires British nationality according to British law. But, according to the American law, she does not lose her American nationality. Therefore she continues to have a double nationality. The Hague Convention wanted that this thing should be eliminated if possible.

In the declaration of Human Rights which was passed by the Assembly of the United Nations, an article was adopted, Article XV. I will read that. The first clause is—

> "Every one has a right to a nationality."

Secondly—

> No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."

India was a signatory or was a party and subscribed to this article of the United Nations' Declaration called the Universal Declaration of Human Rights'. Unfortunately, in this country, I do not know how many millions—but at least over two millions of people—have no nationality and that was the effect of Article 5 of the Constitution and also Article 6. Article 5 of the Constitution simply said who would be the citizens of India at the commencement of the Constitution and did not prescribe anything thereafter. Now, who are the citizens of India. On the 26th January, 1950, they were, firstly—

> "A person born as well as domiciled in the territory of India irrespective of the nationality of his parents".

This is article 5(a).

Secondly—

> "A person domiciled in the territory of India either of whose parents had been born in the territory of India irrespective of the nationality of his parents or the place of birth of such person".

Thirdly—

> "A person who or whose father was not born in India, but who has his domicile in the territory of India and has been ordinarily residing within the territory of India for not less than 5 years immediately preceding the commencement of the Constitution."

It was pointed out by the Supreme Court and the other High Courts in India that our Constitution did not prescribe anything as to who would be the citizens of India after the 26th January, 1950. Technically, all people born in India after the 26th January, 1950, are not citizens of India. We have no law. The Constitution envisaged that Parliament, in its wisdom, would in a short time, within a reasonable period of time, enact a law so as to put on the statute book some criterion, some norm, some qualification for regulating the law of citizenship and the sooner it is done the better. Therefore this is a subject of vital importance to all men.

I am now most seriously thinking of the migrants from Pakistan. Our Constitution provided that a person who has migrated from Pakistan would be a citizen of India provided—

(i) he or either of his parents or grand-parents was born in India as defined in the Government of India Act, 1935, as originally enacted; and

(ii) If he has migrated before the 19th July, 1948 and has ordinarily resided within the territory of India since the date of his migration; or

(iii) if he has migrated on or after the 19th July 1948, he further makes an application before the commencement of the Constitution for registering himself as a citizen of India to an Officer appointed by the Government of India and is registered by that Officer."

Therefore, there is provision only for persons who have come from Pakistan or migrated from Pakistan due to economic distress or persecution or victimisation or whatever be the cause upto the 19th July 1948 and have settled down in India—and they become citizens. For those who have come after the 19th July 1948 and before the 26th January 1950 there is provision for registration. But for those who have come after the 26th January, 1950, there is no provision. You know, unfortunately, there was a repetition of the carnage in certain districts in East Bengal and large numbers of people were compelled to leave their hearths and homes and they had to migrate and come to these parts. They have been shouting, 'where do we stand?'. They were not eligible to exercise any franchise; they were stateless people; they had no nationality and they had no citizenship. They are really outside the pale of the jurisdiction of international law. The cardinal principle of international law is that you should see that nobody is stateless. Statelessness is very undesirable and we have been fighting South Africa because they are depriving Indians of citizenship and are turning hundreds and thousands of them into stateless people. That is what is happening also in Ceylon and we are raising our voice of protest. This very thing we have started in our country not with respect to one or two or a few hundreds but millions of people. They have been shouting and making a grievance that the Parliament has not done its duty, has not legislated and that the country and the national Legislature should wake up and do their duty.

1 P.M.

There are a few points which I would press on my friend the hon. Deputy Minister—I am sorry the hon. Minister is not here; I do not know the reason—and I am sure that our humble and constructive suggestions would be dealt with sympathetically. My first point is that the attitude of the hon. Minister is not, I submit with respect, fair nor just. Under the Constitution of India, citizens have got certain fundamental rights and those fundamental rights are conferred by certain articles in Part III—those articles are Nos. 15, 16, 18, 19, 20 and 30. There are also certain rights given to citizens, the right to hold office of President or Vice President or Judge of the Supreme Court or a High Court or the Attorney-General of the Government or the Advocate-General of a State, the right of suffrage etc. But with regard to the rights conferred by article 19, Mr. Justice Mukherjea, who is the present Chief Justice of India, has categorically stated that a body corporate or a corporation can claim those rights, the fundamental rights, and can come to the Supreme Court under article 32 for the vindication of those rights.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

Our fundamental rights are not meant to be platitudes; our fundamental rights are guaranteed rights and they are meant to be implemented and a constitutional obligation has been laid upon the Supreme Court to afford speedy remedies in such cases. I would refer you to the judgment of Mr. Justice Mukherjea in Chiranjit Lal *v.* the Union of India, A.I.R. 1951, Supreme Court 41. At page 52, His Lordship observes:

> "The fundamental rights guaranteed by the Constitution are available not merely to individual citizens but to corporate bodies as well except where the language of the provision or the nature of the right compels the

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inference that they are applicable only to natural persons."

For example, the right to become the President or a High Court Judge or a Supreme Court Judge. The very nature of that right compels the inference, as Mr. Justice Mukherjea points out, that it is only applicable to living persons. Then His Lordship proceeds:

> "An incorporated company, therefore, can come up to the Supreme Court for the enforcement of its fundamental rights and so may the individual shareholders to enforce their own."

With regard to these rights, for example, the right to hold property, right to acquire property, right to dispose of property, etc., they are available both to living persons as well as to bodies corporate. Knowing this will never happen but assuming that Shri Datar and myself enter into a partnership and call it "X and Company", why is that firm to be deprived of these fundamental rights of acquiring property or holding property etc.? Suppose 50 Members of Parliament come together—individually they have got their fundamental rights of holding property, acquiring property, disposing of property, carrying on of business or trade, etc., which can be enforced by a writ of *mandamus* or *certiorari* or a writ of *prohibition;* if anybody trespasses upon some of their valuable cherished rights, they can go to the Supreme Court for *quo warranto* against the illegal usurper of jurisdiction.—But they form a company called "A and Company" and want to acquire property or dispose of property, why should they be denied their fundamental rights? That is why the Chief Justice of India has pointed out that the fundamental rights guaranteed by the Constitution are available not merely to individual citizens but to corporate bodies as well. The only exceptions are those where the rights as such cannot be enjoyed by corporate bodies or by artificial corporations. I have got the books here but I do not want to take up your time. This view has been accepted by the majority of the High Courts in India. Take for instance the Rajasthan High Court. In the case of the M. K. Mills *versus* the State of Rajasthan, AIR 1953 Rajasthan 188, the same view was taken. In the Calcutta High Court also, in a case in which the Indian Iron Company was a party, the same view was taken.

Different High Courts in India have been issuing writs because corporations were deprived of their corporate rights. If you allow N. C. Chatterjee and Datar to have fundamental rights as Indian citizens, why do you not allow a firm consisting of both of us the same fundamental rights which are guaranteed by the Constitution? Nothing should be done, therefore, which would whittle down this view of the Chief Justice of India.

Shri Raghubir Sahai (Etah Distt.—North-East *cum* Budaun Distt.-East): I would like to know whether this is the place for introducing a provision like that.

Shri N. C. Chatterjee: I am thankful to my hon. friend for raising this point. Under the Constitution an obligation is put on, and a privilege is given to this Parliament to enact a citizenship law and we are, under that power, enacting this law. Look at page 2, clause (f). You will find that "person" is defined "does not include any company or association or body of individuals, whether incorporated or not". Then you are saying that a citizen of India should have the following qualifications, that is in clause 3. Therefore, the combined effect of the definition along with clause 3 will be this. Clause 3 says:

> "Except as provided in sub-section (2) of this section, every person born in India on or after the 26th January 1950 shall be a citizen of India by birth."

Therefore, clause 2 read with clause 3, sub-clause (1) will come to this that a citizen will be a living human being who shall be born and so on and so forth. In no case will any person or association or company or body of individuals have citizenship rights. The effect will be that it will nullify article 19 from tomorrow so far as corporations or associations are concerned. If the hon. Minister says and if my hon. friends are assured that it will have no effect at all on the legal or constitutional position of fundamental rights to be enjoyed by corporations, this is one thing. I may, however, submit with great respect that that will not be the case and the effect will be that from tomorrow every High Court will be bound by the Parliament's expression of views that no company or association can be called a citizen. We are told that in America this view had been accepted. Shri Nathwani is right when he points out that in America there has been a swing of the pendulum and in the United States the Supreme Court has been jealously guarding the basic human rights and the rights of the corporations and has held that the "due process" clause is applicable to artificial bodies and corporations. There is a prevalent feeling that no corporation can have a nationality. That is not a correct view either according to the English law or according to other systems of civilised jurisprudence. I am reading the latest judgment in Gasque *v.* Commissioners of Inland Revenue, 1940 Kings Bench Division 80. Mr. Justice Macnaghten observed:

> "But by analogy with a natural person the attributes of residence, domicile and nationality can be given, and are, I think, given by the law of England to a body corporate."

Therefore, not merely residence, not merely domicile but also nationality can be conferred on a body corporate. Shri Kamath and I have tabled an amendment on this point and you should consider whether in clause (f) a suitable amendment should not be made so as to include companies, associations, etc., composed of a majority of Indian nationals. You may remember that when the Sholapur Company was superseded and the management taken over by the Government—that is the Second Sholapur Case—the Supreme Court decided that that was illegal and *ultra vires*. A question was raised in the course of discussion in that case. The Advocate-General Mr. Amin was appearing in support of the appeal and the Attorney-General against it. In another case in which I was interested, the same point was raised. Therefore, I was watching it very closely. This point has been discussed as to whether a corporation can invoke any rights as a citizen or whether citizenship can possibly be conferred so that the connotation of citizenship can be enjoyed by a body corporate. So far as I can make out the judgment of the Supreme Court proceeded on the footing—and you know that is a great judgment which laid down the law for India—that if a corporation is predominantly composed of Indian citizens then it should be treated as an Indian citizen. The Supreme Court Judges said that if a firm or corporation consists of 100 per cent Indian citizens then it should be treated as an Indian citizen and entitled to such rights as a citizen. This is an important point which requires the consideration of this House and I hope the hon. Minister will devote some thought to it; otherwise, the fundamental rights will be rendered nugatory only because of the combination of individual citizens.

Secondly, with regard to Commonwealth citizenship I have read Shri H. N. Mukerjee's note. He does not like the Commonwealth: possibly that is a very mild way of putting it. He has a distaste for the Commonwealth. But, I had the privilege to be India's delegate at a recent Commonwealth Conference in London and I ought to tell you that I was treated with great respect, and with great consideration. At the same time I always felt that there was something—I won't say repulsive—jarring on my nerves when

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I had to sit side by side with the South African delegate. I could not resist remembering every moment that he was the representative of a country which has been deliberately insulting my nation; they had insulted Mahatma Gandhi and then entered into a pact through General Smuts and they had been deliberately and flagrantly violating that pact and trespassing defiantly upon the basic human rights. I do not know whether it is possible. but I would certainly ask the hon. Deputy Minister to consider whether something can be done to expunge South Africa from the schedule. I was looking up Lord Simonds' book—you know *Halsbury's Laws of England, Third Edition*—and there he has explained the British Nationality Act which talks of Commonwealth Citizenship. He points out on page 529 of Volume I:

> "The British Nationality Act, 1948 which came into force on 1st January 1949 is a measure on which general agreement was reached with Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, Southern Roodesia and Ceylon."

The Prime Minister is not here; otherwise I would have asked him whether there will be any breach of international agreement or any convention which India has entered into with these countries if we delete South Africa from the First Schedule. I am perfectly prepared to continue the present arrangement of Commonwealth citizenship. I can tell you my own experience. I have travelled recently through many countries in Europe. I can say that Commonwealth citizenship conferred some privileges and some immunities from very irksome and burden some visas and restrictions on travel and free intercourse. It does not connote any lower status for India. I was treated as an honoured Indian citizen everywhere although technically I had also the status of a Commonwealth citizen. But, I would still like that, unless there is some breach of international etiquette or international agreement, South Africa should disappear from this Schedule. There is also something in Shri H. N. Mukerjee's point that reciprocity is the cardinal note. That should be the basic principle and if that is the basic principle why do you not omit South Africa if that is possible. Let South Africa behave properly and we shall be only too glad to restore it to the First Schedule.

The third point I want to make is this, that deprivation of Indian Citizenship should be made justiciable. I am totally against this idea of deprivation of citizenship of a country by executive fiat. That is a dangerous doctrine. Repeatedly, Sir, international law associations have been deprecating the attempt by the Government or the executive to take this very very wide prerogative to deprive a person of his citizenship. As you know, we are proceeding on this footing that there should be elimination of double nationality; every person must have one nationality and one alone. Now, if for some reason—for a strong speech, for shouting too much with regard to the modification of the frontiers of one State—a citizen gets into the bad books of the executive and the executive is very strong with a sledge hammer majority in the legislature, then the executive can disenfranchise that man. I say, do not disenfranchise him; that would take away practically his life because you make him stateless. It will be difficult for him to go back to any other State or acquire any other citizenship. Supposing the Republic of India declares today through an edict passed by the Government of India—which you all know means generally some Under Secretary or Superintendent because the Ministers and Deputy Ministers are all overworked and we do not throw any doubt on their capacity or integrity, but it is wholly impossible for them to do justice and in such cases they have to allow the job to be done by

the subordinate officials who may be an Under Secretary functioning—some thing of that kind, then what will be the position? I remember in one important Committee where the Minister came and said: 'We are taking all these powers but all these powers will be exercised more or less by Joint Secretaries or Under Secretaries'. Therefore, the decision of the Government of India will be the decision of an Under Secretary and he may have a rubber stamp of the Minister. Would it be right; would it be proper to do so? Look at the Supreme Court cases in America. In America cases after cases have come out where it has been found that a professor of a university, a lady of an eminent position and of the highest status, was deprived of American citizenship simply because at one time she belonged to the Communist Party. I am no lover of the Communist Party. I am strongly opposed to them ideologically. But, still I do not think it is proper, simply because some lady professor was found to belong some years back to the Communist Party or professed adherence to some kind of totalitarian dogma, that she should be deprived of her citizenship of America and she should be made stateless. That kind of thing may happen here. You cannot legislate with regard to citizenship on the basis of the present Government or the present set-up continuing for ever.

Therefore, what I am pointing out is, if you cannot make it justiciable then accept my suggestion. I have tabled an amendment which, I submit with great respect to the hon. Minister, is perfectly fair and perfectly reasonable. I am accepting his scheme but I am only pointing out this. If you kindly look at that clause—I think it is clause 10 dealing with deprivation of citizenship—on page 6, line 44 the Joint Committee is recommending the institution of a Committee of Inquiry consisting of a Chairman being a person who has for at least 10 years held a judicial office. In Bengal we have got Munsiffs and some of them hold office for 10 years. Would you allow a Munsiff to be the Chairman of that Committee? Or, would you allow someone acting as a subordinate Judge for 10 years to be the Chairman? I say, that he should be at least a Judge of the Supreme Court or a person who has been a Judge of the Supreme Court. Even if you make it a Committee of Inquiry and give it some kind of a semblance to a judicial authority then for its independent judgment to be brought upon this matter it would be better to have a Supreme Court Judge as its Chairman. Otherwise, I would prefer to make it justiciable.

Next, I am thinking of married women. Married Indian women, Shri H. N. Mukerjee has said should be entitled to transmit Indian nationality. I am also recommending one thing for the consideration of the House. If an Indian lady married a foreigner and lost her citizenship on that ground, after the husband's death if she wants to revert to Indian citizenship, no impediment should be created.

Shri S. S. More (Sholapur): Will there be any impediment?

Shri N. C. Chatterjee: There will be. There should not be any further application, any further guarantee of good behaviour, any further certificates from Shri More or some other important people. There should be no difficulty created in that regard.

Then, with regard to qualification of citizenship and the pledge, I should say that this pledge should be simplified. Do not exact a double pledge that you shall be true to the Constitution and to the laws of India. That is not proper. The Constitution of India is quite enough for this purpose. When you ask a judge of the High Court to take the oath, you do not add "the laws of India". When you ask a judge of the Supreme Court to take the oath, you are simply saying "the Constitution of India". So, for the purposes of oath, the Constitution of India alone need be mentioned.

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Coming to qualification, I am thinking of amending it slightly by inserting a clause which you will find in every State and every nationality statute. It is this. The person must possess the means to carry on his lawful vocations or to maintain himself in this country. Otherwise, it will be difficult, and this is an overpopulated country with a backward economy. Do not, therefore, allow people to come in here and add to the unemployment and to the misery already existing.

There are certain other points which I shall develop if I get a chance to speak on the amendments when they are taken up. I hope the hon. Minister will give some thought to these points and sympathetically consider them and see whether something can be done. The refugees from East Bengal wanted to dispense with registration. They said they were Indians, and really so. They said, "Our forefathers, and we ourselves, fought for Indian freedom; we took a very prominent part in the struggle for Indian liberation, and why are you putting this condition on us? Heaven knows. We have already got to hang about people and go to the doors of custodians, this and that and other authorities. Therefore, let us have a simplified procedure". So, you can simply say that those who have come from Pakistan and settled here or lived here for six months contineously shall be given Indian citizenship and shall be treated as full-fledged citizens of India. I think something like that was discussed at the recent Rehabilitation Ministers' Conference in Darjeeling where Shri M. C. Khanna, the Minister of Rehabilitation, presided, and that suggestion should be accepted sympathetically.

Mr. Chairman: Shri Kamath:

Shri S. S. More: On many occasions it has been decided that Members of the Select Committee should not be given priority over others.

Shri Kamath: Let him speak first.

Mr. Chairman: I know of no rule in which it has been decided that persons who have been Members of the Select Committee should be given preference or that Members who were not on the Select Committee should be given preference. As a matter of fact, when the Bill is here, no preference can be given to any Member. All the Members—those on the Select Committee as well as others—have got equal right.

Shri S. S. More: It is not a question of equal rights, but it has been affirmed on many occasions here when Members who had been on the Select Committee got upon their legs to catch the eye of the Chair, that no preference shall be given to them over other Members, because they had already written—at least some of them—their Dissenting Minutes and had a chance to speak in the Select Committee. Some three days back, there was the latest instance, and I think that such a principle was enunciated, if I remember aright.

Mr. Chairman: The rule that I know of is that persons who are Members of the Select Committee, at the time when the Bill is being referred to the Select Committee, should not be given a chance, and that the Members who are not proposed to the Select Committee should get a chance to speak. After the Bill has been returned from the Select Committee, there is no question of such preference to anybody. It is quite true that the Members of the Select Committee have to justify what they have done in the Select Committee, but, at the same time, it must be realised that those Members who were not on the Select Committee have had no chance, either in the Select Committee or here. Therefore, there should be equal chances.

Shri Kamath: I shall be happy to hear Shri More before I speak.

Mr. Chairman: He should come in his own right rather than by a concession from Shri Kamath.

Shri Kamath: May I, at the outset dispose of this allegorical or symbolic citizenship of the Commonwealth, to which the hon. Deputy Minister referred in his speech. I told him then, and I reiterate it now, that I am enamoured of neither—either the allegorical nor the symbolic citizenship of the Commonwealth.

An Hon. Member: Do not be allergic.

Shri Kamath: May I briefly trace the history of this symbolic Head of the Commonwealth which, or rather, whom we have accepted? In April, 1949—

Mr. Chairman: The motion here is that the report of the Joint Committee be taken into consideration. I request the hon. Member not to enter into the history of the past when we take up the report of the Joint Committee. After all, the time at our disposal is very short and there are many hon. Members who are desirous of speaking. I therefore request hon. Members to be brief. Ordinarily, I should think that not more than 15 minutes may be taken by each hon. Member.

Shri Kamath: You have said 20 minutes.

Mr. Chairman: 15 or 20 minutes: I am not very strict and so far as this Bill is concerned, every Member may take perhaps a little longer time. But taking the amount of time at our disposal as many Members as possible should be given a chance, and therefore, I would request the hon. Member not to go into the past history in detail and just kindly finish his speech within, say, 20 minutes.

Shri Kamath: Your advice is very salutary and very welcome and wholesome too, but without a knowledge of the past it is sometimes difficult to understand the present and, therefore, as I said, I would trace the past history briefly and I would not dilate upon it.

At the Commonwealth Conference in April, 1949, which our Prime Minister attended, it was decided that India should become a Republic within the Commonwealth. The formula was evolved. I do not know who was at the back of it—a master-mind perhaps—but anyway, the formula was evolved, and it was referred to the other countries of the Commonwealth and it was accepted. The Constituent Assembly, in May, 1949, you very well remember, in spite of opposition from some of us, accepted the formula; and there was an echo of this acceptance of the King or the Queen as a symbolic head of the Commonwealth,—there was an echo as recently as November this year in the British House of Commons, when, referring to the proposed amendment of the Royal Marriage Act, 1872, the Prime Minister, Mr. Anthony Eden, observed:

> "This Act is of concern not only to the U.K. alone but to all Commonwealth countries of which Her Majesty is Queen. The amending legislation could not be undertaken here without their concurrence".

That is to say, according to the British Prime Minister, our symbolic head is still the British Queen, though under our Constitution, the President is the head of the Republic. Even the British left wing socialist leader, Mr. Aneurin Bevan, was of the same view. In an article published in one of the local newspapers very recently, he observed:

> "By self-government, the British Government means self-government within the British Commonwealth. The loyalty to the British Queen—the British Crown— is a symbol of unity of the Commonwealth".

In the British Nationality Act, the very first section refers to this matter and says that 'British subject' and 'Commonwealth citizen' shall have the same meaning. That is section 1 of the British Nationality Act of 1948 and they have listed a few countries which find a place in our First Schedule. Besides this, we have included

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as part B of the First Schedule, the Republic of Ireland also which is not a part of the British Commonwealth. My friend, Mr. Chatterjee, rightly observed that unless there is likely to be a breach of international understanding or agreement, we will do well to delete South Africa,—the apostle of apartheid,—where thousands of our citizens have been persecuted, put in jail and treated not as men, but submen. Therefore, South Africa should not find any place whatever in the First Schedule. I do not know whether the 1949 act of the Prime Minister resulted in any international understanding which would be broken if we delete South Africa from the First Schedule.

I do not know what Australia is like today, but some years ago there was the White Australia policy there. I do not know whether that is gone now or whether they are still sticking to the White Australia policy according to which the treatment of Indians there was more or less on a par with the treatment of Indians in South Africa. If that be so, there is no reason why we should not delete Australia also from the First Schedule. In any case, there is every reason for having this Schedule on a reciprocal basis.

We have included far-flung countries like Australia and Canada, but not our immediate neighbours like Burma and Nepal and countries which have very recently declared their adherence to Panch Shila. I do not want to go into that question, because one does not know how far adherence to Panch Shila is sincere in any country. As regards Burma and Nepal, they are our immediate neighbours, but as far as I am aware they have not passed any law so far about the conferment of their citizenship on Indians. But we might lay down in this law itself that we will follow a reciprocal policy so far as citizenship is concerned. Personally speaking, I am not enamoured of British Commonwealth citizenship; I would personally prefer to have this dual citizenship, namely, Indian citizenship and world citizenship, when World Government comes into being. But we have not yet reached that stage and so we cannot talk of world citizenship at present. But certainly as regards our neighbours, we must have all of them here.

As regards Sikkim and Bhutan, they are said to be Indian protectorates, but there is no mention of these two States in this Bill. It is very necessary to provide for Indian citizenship for the people of Bhutan and Sikkim.

Coming to the next point made by the Deputy Minister, he said that the Joint Committee accepted a slight change in the form of the oath of allegiance, from "Government by law established" to "the Constitution by law established". He said that the Committee has provided a formula as given in the Constitution itself. But here we are enacting a measure for hundreds of thousands of persons who will become Indian citizens. So far as the form of oath regarding the Constitution is concerned, it was prescribed for Members of Parliament, Ministers, Members of State Legislatures, Justices and the President who had to function within the framework of the Constitution. But here it is for a citizen who may be an illiterate and may not even know that we have a Constitution at all. There are millions of people in India today who perhaps are not aware that India has got a Constitution. There was a story told here a couple of years ago that ten miles away from Delhi in a village there was a villager who did not know that India had become free.

Shri Datar: My hon. friend stated that Bhutan was being treated as an Indian protectorate. That is not correct. Bhutan is not being treated as an Indian protectorate. It is an independent foreign country and is being treated as such. So far as Sikkim is concerned, there is a separate agreement which has already been negotiated to define the status of Indians in Sikkim and that of Sikkimese in India.

Shri Kamath: That clears the position to a certain extent. He said that Bhutan is a foreign State or....

Shri Datar: I said "independent State".

Shri Kamath: In 1950, the Foreign State Order was issued by the President to amend article 367(3) of the Constitution which said "For the purposes of this Constitution, "foreign State" means any State other than India." The amending order made was as follows:

> "Subject to the provisions of any law made by Parliament, every country within the Commonwealth is hereby declared not to be a foreign State for the purposes of this Constitution."

Therefore, Australia and Canada are not foreign countries because they are in the Commonwealth; but Bhutan is a foreign State. Though it is an independent State, it must be a foreign State. I think all other countries are foreign States. The Deputy Minister is silent; I take it that means tacit consent.

Shri Datar: It is better to use the expression "independent State" because, we have got one Act and according to that Act, we have made certain exceptions so far as Tibet, Nepal and possibly Sikkim are concerned. It would be better not to call them foreign States in the general sense.

Shri Kamath: You will have to revise that order and issue a fresh order. Referring to the form of the oath, some of my friends on this side, myself and Mr. Chatterjee have tabled an amendment seeking to substitute the word "Constitution" by "Republic" or just "India" whichever is acceptable to the House, because that would be understood, I am sure, much more easily by vast numbers of people in our country. Why this oath to the Constitution? They may be wholly ignorant of what the Constitution does or seeks to do. The other part of the oath, namely, "faithfully observe the laws of India" is not necessary at all, because he has undertaken to fulfil his duties as a citizen of India. He does not know anything of the Constitution, much less does he know about the laws passed from day to day and the Bills which are rushing upon us. Even Constitution amendment Bills are sought to be rushed through and when we ourselves, Members of Parliament, do not have adequate time to study and understand the Bills, I wonder how our brothers and sisters living in the villages can be expected to know the laws of the land and also the amending laws which come upon them in greater succession session after session, *ad infinitum*, I do not want to say *ad nauseam*. I think this part of the oath is wholly unnecessary and must be deleted.

Coming to the most important clause, namely, the deprivation clause, —I shall speak on the other clauses later at the amendment stage—the Deputy Minister, with perhaps the characteristic allergy of the executive to the judiciary, which is perhaps more in evidence latterly,—though we expected that the executive would be more in harmony with the judiciary, they are becoming more allergic to the judiciary as the months go by— I think, voiced the feeling, which all his colleagues in the Treasury Benches will share, that this will mean an enormous increase—I think he used the word impracticable—in the work of the Supreme Court and the judiciary. I do not know whether my hon. friend the Deputy Minister thinks that such cases will be so frequent as to burden the Justices of the Supreme Court unduly. I personally hope that they will be few and far between, and may I use the phrase, once in a blue moon, and that we will not seek to deprive persons of Indian citizenship so frequently or so lightheartedly, as the Deputy Minister made it out to be. Several countries in the Commonwealth have a provision according to which the Committee of enquiry will be presided over by a Federal Court Judge, corresponding to our Supreme Court Judge or a High Court Judge or

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Judge of a provincial court. But, our Act makes no such provision whatever. It is stated here, that person who has for 10 years held a judicial office will preside. I would not like to cast any reflection upon our judicial officers who have held a judicial office, high or otherwise, for 10 years or more. The former Chief Justice, Mr. Mahajan, in the course of arguments in a case which came up before him in September 1954, very caustically observed that some of these election tribunals, of which the Chairman, as the Minister knows, is usually a senior District Judge, and in some cases a retired High Court Judge, have behaved like autocrats, and have functioned in an arbitrary way and but for Articles 136 and 226, there would have been no remedy against their judgments and orders. Here also, if this clause is accepted, it will mean that the Chairman of this committee of enquiry may be, perhaps will be, I would like to say, will be,— thanks to the executive—a District Judge and nothing more than that. Do we seek to entrust a tribunal presided over by a mere District Judge—some of them are quite able, I know and when I say, mere, I do not cast any aspersion—but by and large, District Judges today are not of the same calibre as they were once upon a time—with powers of deprivation, recommendatory powers though they are? If we want to have real safeguards, the committee must have a Chairman who is or has been a Judge of the Supreme Court. If this is not acceptable to the Government and to this House, I would suggest that an appeal should be provided against an order of the executive Government, that is, an appeal to the Supreme Court. If the Government and the House refuse to accept either of these changes, I for one would be afraid of what might follow, because the executive will concentrate all power in its own hands in time of peace or in war and one may never know who will be deprived of his Indian citizenship. I do not want that this deprivation should be done in any light-hearted manner or in any hasty manner, but it should be done after an enquiry which is tantamount to a judicial enquiry. If that is not done, we will be enacting a dangerous provision in this Bill.

Lastly, I would only refer to clause 14 of the Bill which seeks to provide for refusal of applications, without assigning reasons therefor. I have tabled an amendment according to which this section would not operate in the case of persons of Indian origin, resident in India. It refers to clauses 5 and 6. It should not apply to persons of Indian origin, resident in India. In their case, refusal to grant an application must be for reasons to be given in writing and after enquiry by a committee as suggested in the foregoing clause. The order should be appealable, so far as applications of persons of Indian origin resident in India are concerned.

Before I close, I would harp on the deprivation clause for just a minute. It seeks to deprive a person of citizenship if he has been convicted in any country of any offence and sentenced to imprisonment for 2 years or more. The Canadian Citizenship Act of 1952, the latest barring ours, so far as the Commonwealth countries are concerned, does not include a provision of this character. It refers only to convictions and imprisonment, by a court of competent jurisdiction, of citizens in Canada itself. The last part of the section is, 'if in Canada'. But, we have gone very far and have sought to incorporate a provision whereby a person convicted and sentenced for 2 years in a country like say, even South Africa, may be for political reasons,—many of our citizens are fighting the political battle in South Africa today and, they may be convicted and sentenced to 2 years' imprisonment—stands in danger of losing his Indian citizenship.

An Hon. Member: What about **Goa?**

Shri Kamath: We shall soon liberate Goa. Before this Citizenship Act comes into operation, we would have liberated Goa, I hope.

Therefore, this is a very unwise provision in this Bill. Accordingly, I have tabled an amendment seeking either to delete the entire provision or to see to it that only for an offence involving grave moral turpitude it may be made applicable.

Then, there is the provision with regard to deprivation of citizenship during war. There too, we must see to it that the deprivation should follow communication with an enemy, in such manner as to assist that enemy because in the last world war, though, of course, we were a subject nation then—the British were ruling over us—some of us, if not many, did communicate with the enemy, enemy according to Great Britain, but our communication or contact with the enemy was such as to help India, our own country, and not to help the enemy. And therefore, if citizens are penalised for that, it would be very dangerous and wholly undesirable. As a matter of fact, the British Government arrested and detained many of us on the charge that we were enemy agents, that we had contacts with Japan or Germany perhaps, but our activities, our communications and contacts with the enemy tended to help India and not the enemy power. Therefore, we must see to it that this provision will not operate to the disadvantage of citizens who honestly and with *bona fide* intent seek to help India during war. Of course, the Committee has incorporated a provision and I accept it—sorry it was there even before—that if the Government is satisfied that it is not conducive to public good, no citizen will lose citizenship. But in this very House, unfortunately, I must state we have had experience from year to year, if not from month to month, of the perversion of the phrase "public interest" by the executive—misuse and perversion of this phrase "public interest". I need not quote instances because they are legion. I am afraid that this phrase "public good" will not fare any better than the phrase "public interest". It will only mean executive interest or governmental interest. I therefore suggest that the deprivation of citizenship and the refusal to grant applications under clause 14 by persons of Indian origin and residents in India should be subject to a judicial enquiry and if that is not acceptable, orders under that section must be made appealable to the Supreme Court.

One last word and I have done. That is with regard to the oath in the Second Schedule. I wish to bring it into line with the form of affirmation or oath prescribed in the Constitution itself. The Minister is fond of quoting the Constitution in this respect, and therefore I think it would be acceptable to the House in the first instance, and also to the Minister—the form of oath as prescribed in the Constitution itself, combining both the swearing and the solemn affirmation. I would conclude by saying that though this Act has come six years after the Constitution was passed by the Constituent Assembly, not promulgated—my hon. friend Shri Tyagi will remember that we held our last meeting towards the end of November, 1949—though it has been overdue and has come late, still I welcome it, but I do not welcome it wholeheartedly because there are still many dangerous provisions which have got to be rectified, amended and improved, and if they are not improved our citizenship law will not be a law in consonance with the high principles that we have enunciated in the preamble to our Constitution. They will derogate from those principles, and I hope that the Government, as well as the House who have sworn their allegiance and loyalty to the Constitution will see to it that those high principles enunciated in the preamble of the Constitution are not derogated from and our citizenship law conforms to those principles.

Shri Raghubir Sahai: I have no hesitation in according my fullest support to this Bill as it has emerged from the Joint Committee. I feel that the Bill as it has been placed before the House has been improved in a

[Shri Raghubir Sahai]

very large measure by the Joint Committee.

The original Bill had a number of lacunae and I am glad that the Joint Committee has been able to remove many of them. The hon. Deputy Minister was pleased to mention to the House a number of those improvements that have been made in this Bill. I will not recapitulate all of them, but in the course of my arguments I may have to make a reference to some of them.

There is a very important change that has been made in clause 5(e) namely citizenship by registration. I was very attentively listening to the arguments of our learned friend Shri Chatterjee when he expressed his feeling of repulsion and resentment against the inclusion of South Africa in the First Schedule. I entirely share his feelings of resentment and repulsion. When the Bill was brought forward here in its original form, I was of the view that really the name of South Africa should be expunged from that Schedule, but I do think that after the deliberations of the Joint Committee a very salutary change has been made in this respect, and I think that it will not be politically wise for us and for this responsible House to absolutely expunge the name of South Africa when we happen to be one of the members of the Commonwealth. But every possible safeguard has been made with a view to see that South Africans, if they do wish to avail of the citizenship of India, cannot do so for the mere fun of it. In the original Bill if a South African resident was so pleased, he could have taken the oath of allegiance here in India and he could have been enrolled as a citizen of India, but now a provision and a very salutary provision, has been inserted in clause 5(e) which may be read along with the provision which says:

> "Provided that in prescribing the conditions and restrictions subject to which persons of any such country may be registered as citizens of India under this clause, the Central Government shall have due regard to the conditions subject to which citizens of India may, by law or practice of that country, become citizens of that country by registration."

I suggest by the inclusion of this clause every such apprehension can be removed from our minds that a South African could very easily acquire the right of Indian citizenship.

2 P.M.

Next, Shri Chatterjee has been very criticial about the provision for the appointment of a judicial officer with ten years' experience on the committee of enquiry. He has pleaded the cause of a Supreme Court judge being placed on that committee or the matter being made a justiciable one. I for one think that to include the name of a Supreme Court judge everywhere does not look very fair. I do not think that we should make the position of a Supreme Court judge very cheap by asking him to serve here, there and everywhere. I can very well understand that the provision in the original Bill was defective for under that provision only a committee was sought to be appointed, and nobody knew what would be the result of its findings. But now it has been made absolutely clear that the findings of the committee would be submitted to Government, and ordinarily they would be accepted by Government, which means that only in extraordinary cases, those findings can be differed from. I do hope that when such a committee is appointed, when such an important matter is referred to it, and when it will have as its chairman a person with ten years' judicial experience, the whole thing will be gone into thoroughly and we should therefore expect that really the findings of that committee would be reasonable. If even then there is some dissatisfaction or there is some difference, the decision can be revised by Government, because a further provision has been made by the Joint

Committee that every order passed by a prescribed authority will be revisable within a certain period of time. No such provision had been made before. But now this salutary provision has been inserted. So, there need be no apprehension in regard to this matter for every possible opportunity will be given to a person who feels aggrieved with the findings of the committee. He will have a further opportunity to go in revision and to put his own point of view before the Central Government.

While I give my wholehearted support to this Bill as it has emerged from the Joint Committee, I have also a feeling that a further provision should have been made in it in regard to the qualifications for naturalisation which have been enumerated in the Third Sechedule. I understand that most of the provisions in the original Bill as also in the Bill that we are discussing at the present moment are based on the British Nationality Act of 1948. But I find that there is one lacuna in this Bill, namely that while all these qualifications that have been enumerated are very good and very essential, a further qualification for naturalisation should have been added, saying that the applicant must know the concepts on which the Indian Constitution is based. You will see that as a Member of the Joint Committee I have appended a minute of dissent in regard to this point. I gave my wholehearted support to all the other provisions, but I had my own feelings then—and they persist even now—that this lacuna should have been filled up.

I quite see that in the British Nationality Act, there is no such provision as the one I am proposing here. But the reason for that is quite clear. In England, there is no written Constitution, and as such they could not have introduced a clause like this in their citizenship law. But in many of the Commonwealth countries, *e.g.* Canada, Australia and even South Africa, which have got their written Constitutions, and which have also got their own independent laws of citizenship, they have provided that one who comes forward to get oneself naturalised in those countries should be familiar with the Constitutions of those countries. In the USA also we find that there is a specific provision like this.

It can be asked, how are we to test the knowledge of a person with regard to the fundamentals on which the Constitution is based. My answer to that is that you are providing in the Second Schedule the language of the oath, and there you say that a person who applies for naturalisation will have to take the following oath of allegiance, namely:

> "I, A.B.....do solemnly affirm (or swear) that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully observe the laws of India and fulfil my duties as a citizen of India.".

So, in the oath, you have specifically provided that the person should swear allegiance to the Constitution of India. Now, should this be an intelligent swearing or affirmation or unintelligent one? I wish that the oath-taking should be an intelligent one, and therefore the person should really be familiar with the concepts on which the Indian Constitution is based, or the fundamentals on which it is based. Until and unless we have a provision like that, how can he take an intelligent oath? So, the objection that has been raised on this score will not hold water.

I would not like to take much of the time of the House. But I do wish that this point of mine may be considered, and the hon. Minister may be pleased to accept this suggestion of mine and incorporate it in the Third Schedule.

With these words, I give my wholehearted support to this Bill.

Shri Mulchand Dube (Farrukhabad Distt.—North): It is with a certain amount of diffidence that I rise to speak on this Bill. The subject is quite unfamiliar to me, and I cannot claim to have studied the subject in all its implications.

It, however, appears to me that the present Bill is based or drafted on the pattern of the British Nationality Act. But as far as I can see, we are making the right of citizenship rather cheap. This is a very valuable right. Every person who is declared a citizen of India can be elected President of India. He can hold the highest office. Now, this condition does not prevail in the U.K. For instance, no citizen of the U.K. can be a member of the House of Lords unless the King makes him a Peer. Similarly, no citizen of U.K. can become the King of England. In this case, we are conferring the right of citizenship on every person who chooses to apply for it merely for the simple reason that he was born in India or for the other reason that his parents might be born here or by virtue of a certain period of residence. This is not enough. My submission is that the question of domicile should be there, as it has been provided in article 5 of the Constitution. This article definitely lays down that birth descent or residence shall not alone be sufficient to confer upon a person the right of citizenship. It further says that there should be a domicile, that is, intention to reside, intention to make India his home. So long as that is not there, my submission is that the right of citizenship should not be conferred in the manner it is sought to be conferred by this Bill. That makes, I submit, all the difference. I am quite conscious of the fact that there is a large number of people who have migrated either from West Pakistan or from East Pakistan, who are, to a certain extent, Stateless at the present moment. But in spite of all this, the safeguards that we are required to observe by the Constitution should be observed in every case. Merely copying the Bill on the pattern of the English law is, in my submission, not sufficient.

A point has been made by Shri N. C. Chatterjee that this should be extended not only to natural persons but also to artificial persons. If we begin to give the right of citizenship to artificial persons, there are a number of fundamental rights, there are a number of directive principles of State policy which will apply to them. One objection that he made was that artificial persons or corporations would not be able to hold property under article 19 of the Constitution. May I draw his attention to article 14 of the Constitution which makes a distinction between persons and citizens? It lays down:

> "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India".

Therefore, every corporation, every artificial person, if he is a person as defined under the General Clauses Act, will have that right which is granted to him by article 14. Similarly, may I also draw his attention to article 31 of the Constitution? It lays down:

> "No person shall be deprived of his property save by the authority of law".

There too the argument of my learned friend does not seem to be correct. He seems to say that every corporation or every artificial person would cease to be able to hold property if we do not extend the provisions of this Bill to that corporation or artificial person. My submission is that his argument is not correct. Articles 31 and 14 are sufficient protection to such persons. That is all I have to say.

Shri H. N. Mukerjee (Calcutta North-East): I had the privilege of working on the Joint Committee and I am sure I shall not be going beyond my jurisdiction if I say that it was quite a pleasure for me to find the

Home Minister conducting the proceedings of the Joint Committee. I say this because I found him making up his mind very quickly, and that was why we could realise that in regard to those points which were agitating some of us in the Joint Committee. he and I stood at a very considerable distance from each other. Now, I found this particularly in connection with a matter, to which reference has already been made, namely, our peculiar relationship *vis-a-vis* the British Empire, which now goes by the designation of the British Commonwealth of Nations. Some of us tried to point out that while we are prepared to admit that it is an arguable proposition that we might be in the British Commonwealth for certain reasons of convenience, there might be certain reciprocal advantages which we can expect without any derogation of our national dignity, and that, therefore, it is part of wisdom to remain a member on equal terms of the British Commonwealth of Nations. I concede, Sir, that this is an arguable proposition. But in connection with the discussion of this Citizenship Bill, certain things cropped up which accentuated our suspicions in regard to this membership of the British Commonwealth. We tried to point out—and it is my duty as a member of the Joint Committee to explain why I have chosen, along with some other colleagues, to dissent from the majority of the members of that Committee—that if we are going to give any special advantages to any country included in the British Commonwealth, in particular on the basis of reciprocity, then we ought to proceed in a rational fashion, and then we ought to list those countries in the British Comomnwealth with which in reason we can have any kind of reciprocal relationship. But, Sir, we got no answer to our objection. It was pointed out that the First Schedule was a mere enumeration of the countries included in the British Commonwealth of Nations. I cannot square these two things. If it is on the principle of reciprocity that we are proceeding, then there is no possible obligation on our part to append to our Bill in the form of a schedule a number of countries whose citizens automatically would have Commonwealth status in our country and would be entitled to become citizens of our country. We found out that there must be certain ineluctable understandings with the British Commonwealth of Nations which have led to this particular posture of affairs. We tried to point out that if in India our object is that there should be an expansion of the orbit of our political existence, if it is our intention to make friends with as many countries as possible in creation, why don't we proceed on the principle that we are prepared, as far as we are concerned, to offer citizenship rights to countries with which we have neighbourly relations, either because of geographical contiguity or because of a certain common adherence to principles?

Lately, the Panchsheel has come to be so prominent because the Panchsheel embodies something like a formulation of the desire of the people in different countries of the world and that is a desire to live in peace, to live without intervening in each other's affairs, and the Panchsheel has been adhered to by a certain number of countries. If we wanted to enlarge the ambit of our citizenship, if we wanted to proclaim that we are not national chauvinists but we want to offer the advantages of our citizenship to people belonging to other countries as well. then it is open to us to say that it is only to those countries with which we are like-minded, it is only to those countries with which our relations in reason can be really reciprocal that we are going to have that kind of relationship extended. But, we got no satisfaction at all in regard to this matter. Every effort to supplement the first schedule by adding such countries, neighbouring countries like Nepal for instance or a country like Burma which is a neighbour as well as an adherent of the Panchsheel, was foiled because we were told that the first schedule can only be an enumeration of the British Commonwealth countries. We tried

[Shri H. N. Mukerjee]

to find a kind of definition in our own Bill about the status of a Commonwealth citizen. Very conveniently, in the definition clause, there is no reference to this particular expression though it occurs from time to time. But, if we look up the British Nationality Act, we find that it is defined there. Commonwealth citizen and British subject are identical propositions and they are interchangeable terms. That same definition occurs whether you look at the legislation in Pakistan or in Canada or in Australia or in South Africa. Very wisely, we have omitted any attempt at defining 'Commonwealth citizen' because if we define 'Commonwealth citizen' we have to say, 'British subject'.

I find also very peculiar things happening from time to time. Some time ago a letter was read in this House by my friend Shri Gurupadaswamy, who is not here at the moment, a letter emanating from the External Affairs Ministry, dated some time in 1953 and there it was admitted that a 'Commonwealth citizen' and a 'British subject' are coterminous expressions. I find also that this fact of the equation of commonwealth citizenship and British subjecthood cannot possibly be denied. What further irritates me and those of my way of thinking is that here in this Bill we have got a provision regarding repeal of certain Acts. In clause 19, as reported by the Select 'Commonwealth citizen' and a 'British Nationality and Status of Aliens Act, 1914 to 43 are hereby repealed in their application to India. What earthly business is there for our Legislature to refer to a statute or a number of statutes which appertain only to Great Britain? What business have we to say, we repeal these Acts? I do not know. If we say we repeal the British Nationality and Status of Aliens Act, 1914 to 43, why in the name of goodness do we not repeal the British Nationality Act of 1948, passes my comprehension. But, we make a very specific and exceptional observation in favour of the British Nationality Act of 1948. This is the kind of proceeding which naturally accentuates our suspicions regarding the character of this association with the British Commonwealth. This is a point which is to us very repugnant and derogatory because we have said it over and over again that by subterfuge, so to speak, we find this kind of relationship between Britain and ourselves continued as far as our Constitution is concerned, as far as the working of our economy is concerned.

I have referred also in my note of dissent to certain other provisions which we find are not particularly in conformity with the desire of the country. Already, reference has been made to the position of the refugees. You spoke from the floor of the House when this Bill was being sent to the Select Committee and you suggested, I think very rightly, that as far as the refugees are concerned, it should be found possible to confer on them citizenship rights by descent under clause 4 and not by registration under clause 5. I admit that certain improvements have been made by the Joint Committee in regard to the position of the refugees from Pakistan. I admit that most of the refugees have necessarily had to seek rehabilitation and they had to apply for relief and therefore, may be, they will not find registration too difficult a proposition. But, I feel as you pointed out in an earlier stage of the proceedings that a gesture towards these refugees would have been welcome. The right of citizenship is something which raises emotions distinct from those of a resident friendly alien who has got a kind of territorial and temporary association with the country. The citizen has a permanent and personal association with the country, and, therefore, the very fact of citizenship being more easily available to the refugee would have meant a very great deal. Apart from that, of course, there is a question of registration with all its attendant red tapish difficulties. May be there are some refugees who will find it less easy to secure citizenship rights in this country on account of this provision. I say this because in our

meeting recently with the Rehabilitation Minister, we discovered that there was not an inconsiderable number of people who did not register themselves as refugees. They did not seek rehabilitation; they did not ask for any special assistance or relief because, for accidental reasons, they happened to be, comparatively speaking, in a more comfortable situation economically. Therefore, there is a certain number of refugees who have not so far gone to the extent of having to ask for registration of their names in order to seek relief and, therefore, it is that class of refugees in particular who might find great difficulty in securing citizenship rights.

Turning to another point, I wish to say what has been said already by my friends Mr. Chatterjee and Mr. Kamath that as far as deprivation of citizenship is concerned, it should be made justiciable and this should not be left to the discretion of the executive. In regard to this, I wish to make one point very clear. We were told that after all those who are citizens by registration do not stand in the same category as citizens by descent. The refugees, of course, have luckily been given a kind of immunity from such liabilities of citizenship by registration as far as deprivation is concerned. I do admit there is a difference between citizenship by registration and citizenship by descent. But, what is the kind of people that we envisage would be our citizens by registration? What is the kind of people coming from abroad who might have reasons for making this country their home and becoming our citizens? Take the case of Prof. J. R. S. Haldane, a very eminent scientist. He made a speech in Calcutta that if he had his choice he would be a citizen of this country. It is generally that kind of person with a feeling for the good things of life, who knows the real values of existence, who would feel a sort of attachment towards India and ask for our citizenship. Now, to deprive that kind of person of Indian citizenship by a process which is purely executive, where the judiciary can come in only in a remotely advisory capacity is, to my mind, rather objectionable and I think that so far as deprivation of citizenship is concerned, it should be made justiciable. Otherwise, there might be all kinds of undesirable consequences ensuing from this kind of deprivation of citizenship.

Mr. Chairman: Does the hon. Member wish to continue for some time more?

Shri H. N. Mukerjee: I shall continue tomorrow, Sir.

Mr. Chairman: Now, the House will take up Private Members' Business.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

Fortieth Report

Shri Raghunath Singh (Banaras Distt.—Central): I beg to move:

> "That this House agrees with the Fortieth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 30th November, 1955."

Mr. Chairman: The question is:

> "That this House agrees with the Fortieth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 30th November, 1955."

The motion was adopted.

Mr. Chairman: Dr. Khare is not here to introduce his Bill. Then I will take up the Bill for withdrawal.

INDIAN PENAL CODE (AMENDMENT) BILL

(Insertion of new section 294B)

Shri Nageshwar Prasad Sinha (Hazaribagh East): I beg to move for leave to withdraw the Bill further to amend the Indian Penal Code, 1860.

Mr. Chairman: The question is:

> "That leave be granted to withdraw the Bill further to amend

the Indian Penal code, 1860."

The motion was adopted.

The Bill was, by leave, withdrawn.

INDIAN CONVERTS (REGULATION AND REGISTRATION) BILL

Mr. Chairman: The House will now resume further consideration of the motion moved by Shri Jethalal Joshi on the 30th September, 1955:

> "That the Bill to regulate conversion and to provide for registration and licensing of persons aiding any person to become a convert be taken into consideration."

Out of the three hours allotted for the discussion of the Bill, one hour and 46 minutes was taken up on the 30th September, leaving a balance of one hour and 14 minutes for further discussion today. Shri A. M. Thomas may continue his speech. He has already taken 14 minutes.

Shri A. M. Thomas (Ernakulam): I was assured by the Deputy-Speaker another ten or fifteen minutes.

Mr. Chairman: The hon. Member should realise that there is only a period of one hour and 14 minutes now and that many Members are desirous of speaking on this Bill. Let him, therefore, be brief.

Shri A. M. Thomas: When the House rose on the last occasion, during the discussion of this Bill I was pointing out that the provisions contained in the Bill do not serve any purpose except to put unwarranted restrictions on the freedoms which have been guaranteed by the Constitution and they are not calculated to meet any of the so called abuses pictured by those who spoke before me. We all know that religion is a matter of conscience of the individual. According to the definition given in the Bill itself, "convert" means a person who has voluntarily relinquished his religion by birth and adopted another religion and includes a reconvert, etc., etc. The very suggestion of registration or giving notice is absurd because as I pointed out the other day, conversion precedes the very idea of giving any notice. The two prominent features of the Bill are: (1) A person who wants to change his religion voluntarily should give notice of it and after the expiry of 30 days he shall have himself so converted; (2) Any person who is entitled to perform religious rites or ceremonies in connection with conversion has to take a licence. I respectfully ask: What useful purpose can be served by these two provisions? Under clause 7 of the Bill, no minor can be converted. The second stipulation is that for conversion of people who are not minors, there shall be a licence taken. I think the provisions contained in this clause are highly objectionable and very fantastic. Conversion, according to the sponsor of the Bill, is change of religion by birth. Perhaps the hon. Member, when he puts a ban on the concept of competency to enter into a contract. A person who is born a Christian is considered a Christian in this Bill and so also in the case of a Hindu, etc. You will also note the definition of religion by birth. It means the religion at the time of birth of any person, the parents of such person were professing, or the father of such person was professing if the parents were professing different religions, or the mother of such person was professing if such person is illegitimate and so on. In short, it gives a fiction to the religion that you are professing, that is to say, a person, by his very birth, is deemed to be a Christian, Hindu, Muslim, etc., so that the concept of competency for the profession of religion does not arise in this connection. I do not want to attempt a detailed analysis of the various provisions of the Bill, but suffice it to say that the provisions do not bear any scrutiny at all.

Before I proceed to another aspect, I wish to touch upon the objects and reasons narrated by the sponsor of the Bill. He has indicated that so many conversions have taken place

due to coercion, due to intimidation, due to deceit and so on and so forth. Shri Tandonji referred to deceitful conversions. I say with all the emphasis at my command that conversions by deceit, fraud, coercion, etc., are all foreign to the principles of Christianity and I do not think that anybody who has got the elementary knowledge of Christianity will say that Christianity believes in conversion by fraud by undue influence or any other improper means. Conceding for argument's sake that some abuses have taken place or are likely to take place, are the provisions of the ordinary law of the land not sufficient to meet the situation? I refer to the various provisions in the Penal Code with regard to deceit, fraud and coercion and such other offences. The framers of the Code were very jealously guarding the religious susceptibilities and feelings of the people and in chapter XV of the Code a list of offences relating to religion is given—injuring or defiling place of worship with intent, to insult the religion of any class, deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs, disturbing religious assembly, trespassing on burial places, etc., and uttering words, etc., with deliberate intent to wound religious feelings. So much care has been taken to respect the religious feelings and susceptibilities of the individuals in the Code.

The other object mentioned by the sponsor is that there is necessity for proper statistics. Is any purpose, economic or social, served by keeping a register of conversions? There are countries which have got an expert machinery to collect statistics and where the system of collecting statistics is most perfect. Do we find in any such country any register for noting down the conversions that have taken place? I do not know why there is necessity for such a register in this country.

Another object that has been mentioned in this Bill is to guard against the fact that conversion results in ruination of families. Hitherto the objection was that the economic and social state of affairs of the individual when converted is better and that is why people resort to conversions. The very suggestion is self-contradictory and I do not want to say anything more about it.

I would like to touch on another point. Much was said about the antinational activities of foreign missionaries here. I have already made it clear that if any such activities are there, they are to be curbed, and as will be seen from the latest Administration Report of the Home Ministry, powers have been taken by the Government to restrict any antinational activities by foreign missionaries. I refer to page 20 of the Administration Report, under the heading "foreign missionaries".

Mr. Chairman: I request the hon. Member to finish in two or three minutes. I have got half a dozen names more who wish to speak on this Bill.

Shri A. M. Thomas: Freedom of conscience and free profession, practice and propagation of religion are rights put forward in the forefront of my speech the other day. They are rights guaranteed by the Constitution and confidence has been given specially to the minorities because of the incorporation of that article in the Constitution. It is a fundamental article of faith with Christian that any person belonging to the Christian religion is enjoined not only to observe all the things that Christ has commanded him to do but to teach them to all the nations. Propagation of religion is a fundamental article of Christian faith. What objection can there be for a person belonging to any religion propagating the tenets of that religion? I read in yesterday's *Hindu* a report of a meeting which was inaugurated by the Rajpramukh of Travancore-Cochin; he was inaugurating an institution for the training of Hindu missionaries.

[Shri A. M. Thomas]

Sir, he said on that occasion:

"The move to educate and train youngsters for Hindu missionary work by the proposed Academy would certainly give an impetus to the proper growth of the Hindu religion."

The person who presided on that occasion said:

"So, trained Hindu missionaries should make a scientific approach to its study and spread it. It is their hope, he added, that the missionaries who came out of the academy would hold aloft the divine torch of Hinduism and dispel the darkness which was fast encircling the world."

Therefore, I humbly submit that there is absolutely nothing objectionable or undersirable in any person propagating the religion he believes. It is rather unfortunate that this Bill has been discussed in this House. It has led to a lot of misunderstanding through out the length and breadth of this country. After the discussion on this Bill, when the trend of the speeches in this House was noted, protest meetings were held in several places. I have got a bundle of the copies forwarded to me of representations, telegrams and letters which have been sent to the Home Ministry as well as to the Prime Minister concerning apprehensions felt about this Bill and allied affairs.

One hon. Member was saying—I think Shri Deshpande—that we have had Pakistan, we do not want Christianistan. I say, he said this due to lack of understanding of Christianity in India. Christianity in India is as old as Christianity itself. Our Prime Minister has reiterated a number of times that before Christianity went to western countries like Portugal or England it took roots in India. So, it is wrong to suppose that Christianity is not a religion of the soil. It is as much a religion of the soil as Hinduism, Mohammadanism or Budhism. Therefore, I cannot understand the spirit of intolerance or restlessness—I do not know what I should call it—that some hon. Members show in their approach to the entire question.

Shri Gadgil (Poona Central): I think there is a clear necessity for a Bill of this kind. I am glad that my friend Shri A. M. Thomas said that change of religions should not be effected through coercion, fraud, misapprehension and so on. Well, that is what ought to be. But, what is happening is something entirely different. May I in this connection quote the views of Mahatma Gandhi whose followers we claim to be and whose general philosophy we have made our national philosophy? He has said:

"Having reverently studied the scriptures of the world, I have no difficulty in perceiving the beauties in all of them. I could no more think of asking a Christian or a Mussalman or a Parsi or a Jew to change his faith than I would think of changing my own."

Then a missionary asked him a question:

"You would prevent missionaries coming to India in order to baptize?"

His reply was:

"Who am I to prevent them? If I had power and could legislate, I should certainly stop all proselytizing. It is the cause of much avoidable conflict between classes and unnecessary heart-burning among missionaries. But I should welcome people of any nationality, if they came here to serve here for the sake of service. In Hindu households the advent of a missionary has meant the disruption of the family, coming in the wake of change of dress, manners, language, food and drink."

The change of religion can only be understandable if there is a spiritual necessity for it. But, how have things happened? May I in this connection quote from a letter of Rajkumari Amrit Kaur written to Mahatma Gandhi in 1937? She said:

"I am of opinion that the missionary, with the best intention in the world—for we must credit him with honesty of purpose—has wronged Indian Christians in more ways than one. Many converts here have been denationalised, e.g., even their names have been changed in many instances to those of Europeans; they have been told that there is no true light to be found in the religion of their fore-fathers. The ancient scriptures of their ancestors are a closed book to them."

Then she goes on to say:

"There has been mass conversions to so-called Christianity of the Depressed Classes. I say 'so-called Christianity' advisedly, because I know that not one of these poor people to whom I have spoken—and I have spoken to many—has been able to tell me anything of the spiritual implications of his change of faith."

Now, in regard to those who really change their religion because they feel a spiritual urge there is no quarrel. But what is happening is happening in such a manner as to cause a serious fear not only in the minds of the Hindu community but, even apart from it, from the national point of view. In this connection I may also invite the attention of this honourable House to what Dr. Verrier Elwin wrote in 1946. He says:

"Yet even today few people realise the urgency of the problem or its wide extent. Tens of thousands of aboriginals have been converted in Chhota Nagpur. The beautiful Santal Paragana is rapidly becoming a Christian country. Every one of the aboriginals in Gangpur State has been converted. The entire tribe of Karens has been baptized and so has almost every Lushai. In Western India the Bhils and other tribes have been vigorously proselytised. The plight of the Gonds and Baigas in Mandla District receives sufficient illustration in this pamphlet. At the present rate of progress, within a few years the entire aboriginal population will be converted; it will be turned into a querulous anti-national, aggressive minority community, with none of the old virtues and few of the new which will be a thorn in the side of the future Governments of India."

And, this is the remedy he has suggested:

"I have no doubt whatever that directly India is free to make her own laws the most stringent legislation will restrict proselytizing in any shape or form. For no free country can brook such interference with its life and culture."

Now, if there is, as I said, a change of religion resulting from spiritual necessity it is always welcome. But, if there is no such thing but it is something which happens as a result of either enthusiasm in this respect or some other thing, what happens in the backward classes or communities is very aptly described by one of the most eminent sociologists Dr. Raymond Firth.

He says:....

Mr. Chairman: Order, order. I would request the hon. Member to take as little time as possible. He has already quoted two or three authorities and if he goes on quoting like this he will take a long time. We have only one hour and fourteen minutes at our disposal.

Shri A. M. Thomas: And, moreover these things have been quoted by the Mover of the Bill.

Shri Gadgil: In how many minutes should I finish? Shall I take five minutes?

Mr. Chairman: I can allow only three more minutes. I am receiving chits from several other hon. Members who are very anxious to speak on this Bill.

Shri Gadgil: Then I will merely say that Dr. Raymond Firth has condemned these activities because they converted these people not spiritually but otherwise. Therefore, in order to see that these abuses are not there and there is an honest freedom for everybody to propagate his faith I think the provisions of this Bill—some of them may be good and some may be bad—should be there.

Now, to say that this Bill affects the fundamental rights is not correct. If you are free to walk on a street and if the rule says that you must go by the left it does not interfere with freedom but that limit is meant for the proper and adequate enjoyment of the freedom itself. What the Bill contemplates is that, since it is a spiritual need everybody should be allowed, but those who commit frauds and those who commit something which goes against the national interest, should not be allowed to do it. Therefore, there must be some regulation in the matter of allowing a change of religion and responsible persons ought to be given that job. Those people who are not responsible should be denied that right. It is admitted that Christianity is one of the religions of the land. But, what was its position since the third century up to the nineteenth century? What has happened after freedom? The rate of conversion has increased much more than what it was before India attained her freedom. Ours is a secular democracy of which every one of us should be proud, but it does not mean that secularism should enable people to entirely upset the social and sociological balance in the country with disastrous consequences. That is why I would like this Bill to come on the statute. A Bill—not of this kind—to stop proselytisation was also suggested by Mahatma Gandhi and a person of such eminence as Dr. Elwin who had more experience than any one in this House.

Shri Matthen (Thiruvellah): Can you quote even one instance where an anti-national thing has been committed by a Christian?

Shri Gadgil: I will present you this book.

Shri Pocker Saheb (Malappuram): I beg to oppose this Bill firstly on the ground that it is manifestly opposed to the fundamental rights guaranteed to all the citizens of this country. When I raised this objection at the time when leave was sought to introduce this Bill, the explanation of the hon. mover was, "Oh, this is only intended to get statistics of the conversions or of the statistics of persons professing various religions." That was one of the purposes alleged by him. Of course, if that was the intention, this is not the sort of Bill that has to be introduced. There is no denying the fact that it certainly interferes with the freedom of religion, and with the freedom of persuading people to one's own religion which is all guaranteed by the Constitution. I submit, that it is impossible for anybody to contend that this Bill does not violate article 25 of the Constitution. There is no justification either on the ground of public order or morality or health. Absolutely nothing of that sort. I submit that any kind—of interference—with the religious convictions of the people, with the right to practise and propagate religion, will put the whole country into disorder. I have absolutely no doubt about it.

I submit that one of the reasons alleged by the hon. mover is that the Christian missionaries are doing havoc. Well, at the same time, every day I hear praise of their social service from responsible members of Government, Governors and many eminent people. I hear them praising the social services of the Christian missionaries to the skies. That is on the one side. On the other, hand if there

are cases in which either an individual missionary has misbehaved or an organisation has misconducted itself or has done something against the law and order, or if there is any political background for their activities, there is enough of legislation on the statute-book under which they can be brought to book, and I do not say any such thing should be tolerated. But, at the same time, if it is said that this Bill has been brought in on the ground that after 1947 conversions have increased or that there are certain missionaries working in certain quarters who are acting in a manner which is detrimental to the national interests or the interests of the people concerned, I say that there are enough of measures on the statute-book under which they can be dealt with. On this ground, to interfere with the fundamental rights of every citizen to profess, to practise and propagate his religion, is really very wrong and improper and I submit that this piece of legislation, if passed into law, will throw the country into disorder. I have absolutely no doubt about it. I would, therefore, appeal to the hon. mover to withdraw this Bill in the general interests of this country.

Shri Kottukappally (Meenachil): I rise to request my friend, Shri Joshi, that as a mark of goodwill towards the Christians and other minority communities he would withdraw the Indian Converts (Regulation and Registration) Bill which he has moved. I know that he is aware that this Bill has caused pain and distress among the members of the Christian community and other communities like the Mussalmans, Sikhs, Parsi etc. A sense of fear is spreading as to the attitude of the majority community towards them and as to the future of the minorities in this land.

Our Republic is young and is in the making. It is important for a sound and healthy growth of our Republic that all the component, religious, linguistic and social groups and classes should feel safe in the country, and develop a feeling of fraternal friendship. Any idea that one group is intolerant, unfriendly or inimical to the other will be dangerous and fatal to the integrity and solidarity of the Republic as a whole. What we should try to cultivate in this land, as Shri Joshi will agree, is a sense of absolute security for all creeds and classes so that every man or woman might think that the nation is his own and that he or she may feel more and more loyal and devoted to the Republic. The founders of the Republic, I salute them, knew the wisdom of engendering such a feeling of solidarity among the different units and groups and classes in the Union of India and they decreed in the Constitution, among other things, for the consolidation of its solidarity that "every citizen of India shall have absolute right to freely profess, practise and propagate religion". Shri Joshi's Bill strikes in a way at the foundation of the fundamental rights enshrined in the Constitution. His Bill militates against the provisions of the Charter of Human Rights accepted by the United Nations. If this Bill becomes law, it will be a dark blot on the fair face of our motherland as no civilised country in the world seems to possess such a law.

I can assure my friend that conversion by force or fraud or intimidation or bribery is foreign to the spirit of the religion of Jesus Christ. He was a messenger of peace and went about doing good. The history of Christianity in Europe or in the Americas does not show that its spread in those regions was with the power of the sword. St. Thomas the Apostle who landed in Crangannore on the West Coast in India in 52 A.D. came in a fragile vessel over the sea, facing storms and tempests and shipwreck. He came alone. He carried with him no sword. He came with the Cross, the symbol of suffering. He carried with him just a message of the love of God for man and preached the gospel, 'Love thy neighbour'. That was the way Christianity was sought to be founded in India and in

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other countries. I can assure my friend Shri Joshi and the hon. Members of this House that for all time to come that would be the Christian way of conversion.

Christians in India through 19 centuries have taken to heart the lesson that St. Thomas the Apostle taught them—'Love thy neighbour'. They built houses for the poor and the blind. They have built asylums for the lepers and the sick. They have built schools and colleges in every city and town in the land so that the children of India might grow up in enlightenment and wisdom. That these charitable and educational institutions were not used by them all these years for conversion would be shown by the fact that the children in these places returned educated and enlightened retaining the faith of their fathers. I am sure a large number of my hon. friends in this Parliament of the Republic were taught in Christian schools. They have not changed their faith thereby. It might very well be that Shri Joshi himself is a product of Christian education. After 1900 years of Christianity in this land and 200 years of Christian administration in India, a bare 2½ per cent. of the population is Christian. It is a proof of the sane, sound, safe methods they followed. Queen Victoria, in her proclamation of 1857, declared that there shall not be any discrimination in this country on account of religion, caste or community. It is lack of courage on the part of the 303 millions of Hindus to be nervous about the 35 million Muslims, 8½ million Christians, 6 million Sikhs and one lakh Parsees. I appeal to you to treat us all with loving care as younger brothers and our dear motherland will grow from day to day in prosperity and power.

Intolerance is not a virtue of the wise; nor is it the hallmark of greatness. Aurangazeb tried it; his empire perished and his dynasty become extinct. Justice alone exalteth a nation.

If a Bill as Mr. Joshi's had been there on the statute book of this country in times gone by, we should not have had a Mahavira, Chaitanya, Sankaracharya, Ramanuja, Ram Mohan Roy, Keshab Chandra Sen or Vivekananda or above all a Gautama Buddha or a Mahatma Gandhi. They all brought lustre and glory to the land of our birth.

3 P.M.

Who was the greatest "converter" of men's conscience or ways of thinking, customs and habits in this land? It was Mahatma Gandhi. He caused the greatest tempestuous revolution in the people's mind in this land of the Ganges, Brahmaputra and Cauvery. This weak, ill-clad sanyasin about the length and breadth of this country caused an upheaval. He destroyed caste; he destroyed untouchability. He threw open the temples to the outcastes and he made all people alike before God and man. Thank God, a Bill like Mr. Joshi's was not in our statute book at the time.

It was a Christian and at that a Christian missionary who first proclaimed from a pulpit in New York that Mahatma Gandhi was the greatest man in the world living. It was again a Christian, a Christian missionary C.F. Andrews who was his constant companion, disciple and evangelist.

Deenabandhu Andrews might have turned in his grave when he learned of Mr. Joshi's Bill.

Shri U. M. Trivedi (Chittor): On a point of order, Sir. The hon. Member is practically reading his speech.

Some Hin. Members: He is referring to his notes.

Shri Kottukappally: I want to be very careful about what I am saying.

Mr. Chairman: It is very difficult to say that he is only reading a written speech. It appears that he is perhaps consulting his copious notes. I am not satisfied that he is only reading.

Shri Nand Lal Sharma (Sikar): He is reading practically every word of it.

Shri Kottukappally: A tremor of fear might have passed through the veins of every Christian, Sikh, Parsi and Mussalman as to what the behaviour of the majority community towards them in the years ahead is going to be when they heard of Mr. Joshi's Bill and the discussion centering around it in this House. But we have absolute confidence in our Prime Minister and in the courageous, robust and generous men who guide the destinies of our Republic. No Parliament can restrain the soul when it tries to soar into the realms of the spirit. This is a secular State. We shall leave religions to take care of themselves.

Hindus believe in a Supreme God Head, the Creator and the Sustainer of the universe. They believe in incarnation, prayer, fasting and work of charity. So do the Christians.

Towards the evening of his life, Sardar Patel came to my State. He spoke to Hindus and Christians at Trivandrum; I happened to be near him. He said, "I love your Kerala. I wish to come back again, but I am growing weak and infirm. I shall not see you again. My last message to you is that the Hindu and the Christian should live and work in this country as brothers. May God grant you the wisdom to realise the meaning of my words." My friend Mr. Joshi hails from the region from where came the Mahatma and the Sardar. I commend to him the ways of the Mahatma and the words of the Sardar.

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas): I entirely agree with my friend who has said so much about the teachings and preachings of Christianity. I say they are high ideals and they are equally dear to our heart also. Every Member of this House feels that Christianity is a religion of this country as other religions; we have nothing to say about that. Really this Bill has been misunderstood by my friends who have been so aggressive in their language and speech, saying that this Bill is an attack on the fundamental rights given under the Constitution; this is an attack on the freedom of religion, freedom of speech and all that. But I humbly submit that they have misunderstood the principle behind this Bill. The previous speaker in one of his Quotations from Varier Elwin said that "the beautiful Santal Pargana is being converted to Christianity". I belong to that district and I say that the Santals are about 45 per cent. in number. I cannot say what is happening in other parts of the country, but certainly I cannot disbelieve what I am seeing with my eyes. Some Christian friends in this House have said that we want to hamper the fundamental rights. I want to assert very strongly that it is none of our intention to put any limit on the practising of religious faith in this country. As I have already said, Chrisianity is as dear to our heart as Hinduism or any other religion. What I want to point out to this House is that there are certain institutions and persons, who in the name of religion want to convert others forcibly. That is a most dangerous practice and it is against the law of Christianity and against the law of all religions. Mr. Thomas has said that it is regrettable and most dangerous that there are institutions in this country which want to convert men from other religion to Christianity by fraud. That is what I want to point out. We do not want to put any check over the conversion. Everybody has got the right to go to a mosque, temple or church. That right should be given and if anybody comes in the way, the law should prevent it. But there are institutions in this country and persons who go about in the villages and tempt the innocent people. I have seen with my own eyes in my district some friends saying, "Come to that school and I will give you

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money; I will free you from the interest on your loan; I will give you this thing and that thing." Of course, as our Prime Minister said, I perfectly support the missionary institutions which are working with a humanitarian outlook; I will give my cooperation and help in all possible ways to institutions which help the Paharis and Santals in my district. But during the last elections, in 1952, some institutions and friends openly went about canvassing against me; they were doing this in the name of religion and Christianity. We only want that those gentlemen who are behaving in this way should be brought to book. We want such institutions which are practising in this way, where it is not a question of faith at all, should be brought to book. Therefore the principle of this Bill is very limited.

Either it is conversion from Christianity to Hinduism or conversion from Hinduism to Christianity, or conversion from the Hindu faith to the Muslim faith. When such institutions are doing it by fraud, by tempting the people, by giving them assistance, it should be checked. It is against Christianity itself; it is against those institutions. We want to protect only the innocent persons from such forced conversions. We want those who really want to be converted to give a declaration so that we can take sufficient precaution against forcible conversions. I feel this great religion should have the courage to say, look here, I am not doing anything by fraud, I am not adopting any dubious methods. Why should there be so much of suspicion? Why should the people from Madhya Pradesh, and a man like myself from the Santal Parganas, with 45 per cent. of Santhali population and *paharis,* who have not seen the light of civilisation—there are no communications there—complain that these dubious methods are practised? I wish that all this is wrong. This Bill only wants to show that these are wrong. If all this is wrong, Christianity will have a good name. If these things are being practised, those undesirable institutions should be brought to book. If we pass this Bill, it will help Christianity. If dubious methods are practised, those institutions or individuals will be brought to book. If they are not, they will come out with shining colours from this ordeal, with another feather in their cap. Believe us, it is not our motive to bring any check on the freedom of religion or freedom of practising any faith. Our motive is only to catch hold of those institutions which are doing wrong things. In the Santal Parganas, they ask a boy to come to school; but his name is entered only when the parent comes and gives an undertaking that he will embrace Constitution in the name of which they are opposing this Bill? The provision and the principle of this Bill is very simple. We want this to be put on the statute book only for catching hold of the undesirables: not the sincere ones. We welcome Christian missionaries in this country for humanitarian work. We will welcome them in the future. But, certainly we will protest against dubious methods, against forcible conversion, and other methods which could be described as anti-social. That is our motive, that is our principle in supporting this Bill.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): We are dealing with a subject which, almost inevitably, creates some excitement in the peoples' mind, There can be no doubt that in the name of conversion, in the name of religious activity, much evil is done. It is not confined to the votaries of one religion. Votaries of every religion—not all the votaries, some of them—overstep even the limits of decency. We have numerous instances of that. Only recently a Committee was appointed by the Planning Commission to enquire into orphanages and women's homes. The report of that Committee, some time or other, I hope, will come before this House, because, it is a ghastly report. Negatively, if I may say so, the members

of that Committee did not find anything wrong or much wrong with orphanages and homes conducted by the various Christian organisations. They found a great deal of wrong in the orphanages and women's homes conducted by others. That does not mean that other religions and other organisations are wrong. It shows that wrong people took advantage of them to make money out of them and stooped to all kinds of low causes. We must separate this question of wrong people misbehaving or taking advantage and exploiting religion and the like for their own advantage. That is obviously so. Somehow or other, it is difficult to draw a line between these two things.

I fear this Bill that has been proposed in all goodwill and with the most excellent of motives by one of colleagues, in effect, will not help very much in suppressing the evil methods, but might very well be the cause of great harassment to a large number of people. Also, we have to take into consideration that, however carefully you define these matters, you cannot find really proper phraseology for them. Some Members of this House may remember that this very question, in its various aspects, was considered in the Constituent Assembly, before the Constituent Assembly formally met, by various Subcommittees. I think there was a Subcommittee on Fundamental Rights. There was an Advisory Committee.

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There was also another Committee. Quite a number of resolutions were considered. I remember Sardar Patel himself moved that resolution. Then, I think various amendments were moved to it. I think Shri Munshi moved another amendment, and so on. Ultimately, Sardar Patel got up and said, let there be no heat about it—because there was heat—it is obvious that three Committees have considered this matter and have not arrived at any conclusion which is generally accepted, let us refer it back to the Committees to find a suitable formula. After that, they came to the conclusion that it is better not to have any such thing because they could not find a really adequate formula which could not be abused later on.

After all, so far as the major evils are concerned, coercion, deception, etc., one can deal with them under the law. It may be difficult just as it is difficult to deal with many other offences, because you have no proof. That is a different matter. Under the law you can deal with them, and you have to deal with them. You have to devise other methods, public opinion as well as legal methods. But, to pass some such legislation as this, I fear, instead of remedying the evils that we seek to remedy, is likely really to produce other evils and other difficulties. I am anxious, many other Members of this House must be anxious, to avoid giving the police too much power of interference everywhere. I have nothing against the police. I think they are not only a necessary institution, but by and large, they are behaving well. Naturally, in a large force, some do not behave well. By and large, they have behaved well, they have proved that. But, giving power of personal interference everywhere and checking up, is likely to create a fair amount of trouble. Personally, I would not pass such a measure unless it has the fullest support from the principal parties who are likely to be affected by it. If this measure apparently is meant to apply to Christian missionaries carrying on this conversion, I would like the real decision to lie with the Christian Members of this House. Let them decide. In principle, there is no difference. Nobody wants deception; nobody wants coercion. In practice, this attempt to prevent that may well give rise to other forms of coercion. That is my difficulty.

Hon. Members may have read of something that happened a little while ago, I think about 2 months ago, in a village in Bihar. I doubt if any similar outrage has occurred in India; at

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least not to my knowledge in recent times. It has nothing to do with conversion. But, it shows how feelings, when roused in regard to religious matters, are likely to take a wrong and dangerous turn.

Shri Kamath (Hoshangabad): When was that?

Shri Jawaharlal Nehru: About 2 months or 3 months ago. I am sorry I forget the name of the village.

Shri A. M. Thomas: Vardhaman Nagar in Gaya District in Bihar.

Shri Jawaharlal Nehru: There was service going on in a small Christian chapel. I think mass was being celebrated, which is a sacred and solemn moment for the people there inside the Church, when a crowd came outside and belaboured the priest and the congregation, pulled them out and generally desecrated the Church. I call that a most disgraceful occurrence and absolutely against the spirit and letter of our Constitution and what India stands for. I was shocked tremendously when I read about it. I could hardly believe it. I thought it was an exaggerated account. Yet, when we made enquiries we found by and large it was a correct report.

I am pointing out how these passions are roused. It is quite easy now for our Christian colleagues or comrades here or elsewhere to be shocked and ask for protection against that kind of thing. We should give protection. But the real protection is to create an atmosphere of tolerance, of live and let live, of respecting the other person's religion and of avoiding any coercion etc.

Therefore, I do submit that though this particular Bill is moved with the best of intentions, and though I completely recognise that there are those evils, which the hon. Member from the Santhal area who spoke earlier mentioned, we should deal with those evils on a different plane, in other ways, not in this way which will give rise to other forms, may give rise to other forms of coercion, and above all, to a feeling among the votaries of the Christian religion in India—and they are very many, and, as the hon. Member who spoke last said, Christianity is one of the most important of the religions of India established here for nearly 2,000 years; we must not do anything which gives rise to any feeling of oppression or suppression in the minds of our Christian friends and fellow-countrymen in this country.

Therefore, I submit that it is not desirable to proceed with this Bill. Let us think of the matter in other ways and deal with it, but not in this way. I hope the hon. Member who has moved it will give thought to this question and not press this Bill.

Shri Nand Lal Sharma: Let the hon. Prime Minister kindly suggest certain methods of protection against these conversion methods.

Shri Jawaharlal Nehru: The first method is not to attack oneself.

Shri Nand Lal Sharma: We have been attacked by the Prime Minister himself.

Shri Jawaharlal Nehru: I am not attacking the hon. Member or anybody. What I am saying is, if I may explain, that an aggressive attitude is not the way to deal with a position of this kind. It should be a firm, tolerant, friendly attitude. One aggression provokes another aggression both in the international sphere and in the national and even in the domestic sphere.

Shri Nand Lal Sharma: I simply ask for protection against deceits.

Mr. Deputy-Speaker: The Minister can speak after the reply by the Mover, but if he wants to reply earlier; he can do so.

The Deputy Minister of Home Affairs (Shri Datar): I have nothing to say. The Prime Minister has made the whole position clear.

Mr. Deputy-Speaker: The debate has to conclude at 3.42. There is a time-limit.

Shri Jethalal Joshi (Madhya Saurashtra): After the Prime Minister has said so many words, I think it would be an audacity on my part to speak anything. I am proud of the discipline under which I am, and I must say that I should very willingly submit to whatever he has suggested, but before that I would like to say that there are certain points which I should clarify.

It has been stated by some Christian friends that they feel a sense of insecurity by the passage of this Bill. In the speech that I made last time during the discussion period I stated very clearly—and let me quote from my previous speech: "This Bill will apply not only to any one religion or any particular religion but will apply to all religions which are here in this country." I would make it very clear that this Bill will apply to any Christian who would like to come back to Hinduism. This will again apply to a person who may be a Muslim but who may like to be converted to Christianity, or a Muslim who would like to come back to Hinduism. Therefore, from the heap of letters that I have been receiving from a number of Christian friends I feel that they have misunderstood that this Bill applies only to Christians.

One friend from there stated that it is against the spirit of the Constitution, and another friend stated from the Opposition that it militates against the fundamental rights. In connection with this, I may quote from Shri Basu's *Commentary on the Constitution of India* in clause 25 which states the position clearly. It says:

> "Though the above article offers the right of 'free exercise' of the chosen form of religion, unrestricted by any qualification Courts have interpreted the clause to be subject to some limitations which are necesary in the interests of the society itself. Thus, it has been held that while the freedom of religious *belief* is absolute, the right *to act* in the exercise of a man's religious belief cannot override the interests of the peace, good orders or morals of the society and that it is competent to the legislature to suppress such religious practices which are dangerous to public morals, safety, health or good order."

Again, in page 192 it is stated that propagation does not mean conversion, but conveyance of one's own belief to another by exposition or persuasion without any element of coercion. Freedom of religion would not allow a man to commit any human sacrifice even though human sacrifice may be sanctioned by a religious belief. Therefore, it means that although a man may have absolute freedom so far as his conscience, or the dictates of his conscience are concerned but so far as practice or the propagation of religion is concerned, it is the duty of the State to intervene and pass legislation whenever it finds it necessary.

I am in complete agreement with what my friend on that side said about the conviction or the truth of Christianity. In this discussion, it is not any religion which is under x-ray, nor any followers of any religion who are under x-ray. It is the methods which are adopted for the practice and the propagation of religion that are to be considered. Therefore, the objectionable methods are to be condemned. The Bill is designed only to touch those methods which are objectionable and which should be avoided. In matters of fraud and coercion, my hon. friend has said that they would condemn any such methods which are employed for conversion. Now, in such religious matters, the definitions or the meanings of the terms differ for particular clauses or for particular principles. We may agree in principle, but we may differ in the meanings or the definitions. So, what may be fraud in common parlance or in the

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commonly accepted terminology may not be fraud from the Christian or the Hindu or the Muslim point of view, for when self-interests is involved, we are just apt to take that definition or meaning that suits us.

As I stated earlier, this Bill applies to all religions, and therefore there is no justification for any of the missionaries misunderstanding this Bill and raising this sort of alarm.

Then, some friends have written in their letters that there would be intolerance if this Bill is passed. I think it would be unfair on the part of the Christian friends to refer to a matter of intolerance in cases like this. I think India is incapable of intolerance. India has shown hospitality and generosity to all the religions, sometimes at a very heavy cost, with the result that she had to suffer for some centuries on this account. So, there is no question of intolerance at all. Now that this question has been raised, my mind goes back to the days of Ram Mohan Roy. He had a tutor by name Mr. Adams, who was a Christian missionary. Mr. Adams became fond of Brahmo Samaj and therefore he adopted Brahmo Samaj. The whole Christian world thereafter called him as 'fallen Adams'. We can see what kind of an intolerance that was. Here was an intelligent man who weighed both religions and then out of full conviction adopted Brahmo Samaj, but he was called 'fallen Adams.' Therefore, I would like to point out that this Bill is not meant for any person who out of moral or intellectual or spiritual conviction adopts another religion. There is no ban at all on a person adopting another religion out of full conviction. He may change his religion ten times a year even, and there would be no ban on that. Nobody is going to prevent such a person from changing his religion.

But where fraud is practised, and the poverty, ignorance and superstition of the poor people are exploited, there I feel it is the duty of the State to intervene. Just as there are the interests of the Christian community, there are also the interests of the poor people, the down-trodden people and the distressed people to be looked after, and I feel that it is for the State to look after them. Women are the first and the greatest victims of abduction, seduction, rape and then conversion. Minor children also are subjected to a number of harassments, and then they are converted. Is this permitted by any religion? I do not think so. Whether it is Christianity or Islam or even Hinduism, I think they all have the same moral or ethical side, and therefore no religion would permit its followers to practise such objectionable methods. And yet we see that such methods are practised, and we hear reports about it every day.

I quoted a number of figures last time, and I do not think any Christian Member could refute those figures, because they have all been taken from the census reports and from other authentic books.

Therefore, I plead that this Bill is not as obnoxious as my Christian friends have written it to be. It is an innocent Bill. I may go a step further and say that it would be in the interests of the Christian people themselves, if this Bill is passed.

But now that the assurance has been given by my hon. friends there, and now that the hon. Prime Minister has been good enough to make certain suggestions to me, being proud of the discipline under which I am, I shall withdraw this bill, and hope that Government would do all in their power to suppress or check the evils which are rampant in the country in this direction. I hope the House will permit me to withdraw the Bill.

Mr. Deputy-Speaker: Has the hon. Member the leave of the House to withdraw his Bill?

Shri Nand Lal Sharma: No.

Mr. Deputy-Speaker: Even if there is one dissentient voice, I have to put the motion to vote.

The question is:

"That the Bill to regulate conversion and to provide for registration and licensing of persons aiding any person to become a convert be taken into consideration."

The motion was negatived.

Mr. Deputy-Speaker: So, the consideration motion is lost, and along with it the Bill is also lost.

WORKMEN'S COMPENSATION (AMENDMENT) BILL

(INSERTION OF NEW SECTION 3A)

Shrimati Renu Chakravartty (Basirhat): I beg to move:

"That the Bill further to amend the Workmen's Compensation Act, 1923, be taken into consideration."

Shri T. B. Vittal Rao (Khammam): May I know the time allotted for this Bill?

Mr. Deputy-Speaker: Two and a half hours.

Shrimati Renu Chakravartty: The Workmen's Compensation Act was formulated first in 1923. Since then slight amendments have been made from time to time but they have all been of a minor character, and have not substantially changed the main contents of the original Act of 1923. It is time now that we reconsider this Act and introduce certain amendments which incorporate within them the new concepts which are developing right throughout the world and also in our country, namely that the outmoded idea of 'no-work-and-no-pay under all circumstances' has to be changed and the worker, when he actually gets injured in the course of his duties or in the course of his employment, is assured his wages until such time as the compensation which is computed on the basis of his loss of earning capacity has been actually awarded. That sort of provision has to be incorporated within this Workmen's Compensation Act.

Now, we are very glad to hear that after the introduction of this amending Bill, the Government have also woken up and made certain suggestions which they have circulated to the trade unions and to the Employers' Federations for their comments —certain amendments which they also think are rather necessary to this Workmen's Compensation Act. I have been able to get a copy of these suggested amendments and I will say something about them later. But I do hope that in view of the fact that Government also think that this Act is inadequate for the times, certain important changes are necessary and have been indicated by the very suggested amendments of the Government, they would see to it that this small amendment which is there in my name will be accepted by them, and that the more comprehensive amendments will be brought forward by them at the very earliest opportunity.

Now, this Act of 1923 actually awards compensation to a workman injured by accident in the course of his employment on the basis of his loss of earning capacity. Now, to an ordinary, initiated person, one would say that this terminology 'loss of earning capacity' would appear to mean that the daily labourer or weekly or monthly labourer or workman who, in the course of his duties became injured and could not earn his wages, would be compensated by being entitled to the days or months' wages during which he was incapacitated. But when you read through the sections of this Act, you find that this is not the meaning which is there in the Act. Loss of earning capacity, according to this Act, has been computed according to a rovel schedule. This schedule is actually the keynote of the Act, and I think I can say that it actually arose, as it did at that time, from a colonial system which really cared little for the lives and the livelihood of the cheap labour they exploited. For example, you will be

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surprised to see that a man who loses his right arm above or at the elbow is considered by this Act to have lost his earning capacity only up to 70 per cent, although we know that a labourer who loses his right arm is as good as dead, as far as his earning capacity goes. Loss of thumb, according to this schedule, is considered as loss only of 25 per cent of earning capacity. Permanent loss of hearing is only loss of 50 per cent of earning capacity, and so on. Even though these are major injuries which really incapacitate the man who has possibly no other means than working as a daily labourer carrying loads etc., this is only called permanent partial disablement, the theory being that he can still earn. Only if there is a combination of two categories of injuries—say, he loses his arm and he loses his leg—only if both go together, the case is regarded as permanent total disablement. I think these things will show how totally inadequate and wrong are the concepts of this Act. After having laid down what exactly is permanent total disablement and partial disablement, it grants a man compensation on an *ad hoc* basis. For instance, a man earning up to Rs. 10 per month gets actually for permanent total disablement, a lump sum of Rs. 700. If it is a partial disablement, he only gets a percentage of the compensation according to loss of earning capacity. So if he loses his right arm, he will get 70 per cent compensation only, and so on. For death, he gets even less, than Rs. 700, and for temporary disablement, an adult gets a half-monthly payment. For instance, those who earn up to Rs. 10 per month, get only half a month's wage, that is, a maximum of Rs. 5 per month. This is the compensation. But this is not the whole story, because often the compensation is paid after long litigation. According to this Act, the employer, after he has been asked to pay compensation, often goes to the court and right up to the High Court, because after the Commissioner has actually given the award, the employer has a right to appeal to the High Court. There he goes and for months and months the case drags on; with the result that even this compensation on an *ad hoc* basis, according to this Act, is given at a time when we find that the man who has suffered the injury is either dead or, may be, he is in such a state of indebtedness that the entire amount which he actually gets as compensation is totally inadequate and is eaten up by him. I feel, therefore, that we have to change the concept behind this Act and we have to give up this outmoded idea 'no work, no pay under all circumstances.' The man who has been actually creating surplus value—profit—when he is well, which has been utilised for the personal ends of the employer, when that man can legitimately ask that when he is incapacitated, not for any fault of his own but due to an accident arising out of that employment, at a time when he needs the greatest of care, when he needs medical treatment, when he needs nourishment and when his family is already living on starvation level—because generally our wages are certainly not adequate to give them two square meals a day—he is fully and legitimately within his rights to demand that the wages should be paid to him up to such time as the compensation is awarded. This is the main idea behind the amendment which I have moved, and I think those who are boasting and talking about a socialistic pattern should not object to this small amendment of mine, although I do admit that many more amendments are necessary in the body of the Act itself. I think by accepting this amendment Government will be taking the right step and will be showing their desire really to stand by the concepts which they are so much propagandizing, saying that today the workmen's cause will be taken up first and those who are labouring will be first protected, and so on.

My amendment is to the effect that the injured workman who does not get any wages for the period from the date of accident to the date up to

which compensation is awarded should be given those wages. In the principal Act, further, the employer is not liable to pay compensation for any injury which does not result in total or partial disablement of the workman for a period exceeding seven days. So that if a workman is disabled for six days, he cannot claim any compensation, whether of the partial kind or of the total kind. My amendment reads thus:

> "After section 3 of the Workmen's Compensation Act, 1923, the following new section shall be inserted, namely:—
>
> '3A. *Employer's liability to pay wages and medical expenses.*—If a personal injury is caused to a workman arising out of and in the course of his employment, his employer shall be liable to pay him wages for the period or periods he has been forced to remain without work. The employer shall also bear all medical expenses for the period or periods of treatment of the injured workman".

Then in the Explanation, I have said:

> "For the purposes of this section, the period or periods during which a workman has been forced to remain without work shall be deemed to commence,—
>
> (i) from the date of accident to the date up to which compensation is awarded to the injured worker; and
>
> (ii) in the case of any injury not amounting to partial or total disablement of the workman, from the date of accident to the date on which the injured worker has been declared medically fit to rejoin duty."

This, I think, is quite a simple amendment and something that has full justice behind it. I do not need to explain the legitimacy of this amendment, because already the wages which our workers get are all too low and actually those wages can only give a worker and his family living conditions that are not enviable at all. He has a large number of dependants, who are dependant on one man, and how are they to live during the period when that man has been incapacitated and laid up? Where will he get money for his treatment? Because the majority of our employers do not give them that free treatment which they should in all fairness give. So long as the worker is on the register of the employer, so long as he is a workman there, the employer is bound to pay him his wages. This is the technical position, this is the legitimate position, this is a just position and I hope that the Government will accept this amendment.

Now, there is the other reason why we have brought in this amendment. The reason is that generally the only point on which the employers can appeal is not on the point of fact as to whether there had been an injury caused or not but on the point of interpretation as to whether that injury had been incurred in the course of employment. That is why they go to court and they are able to challenge the Competent Authority's Award. Because they have the means they go on in the courts for years. It has been known that sometimes High Courts have continued the cases for two years. In Madras, for instance, many tile factory cases have been taken to Court and in those cases finally the award has been in favour of the worker. But, by the time the award is given, we have found that these long-drawn out proceedings have completely finished the man who was injured. Either he is no longer there to get that money or he is so much in debt that the entire compensation has gone for paying those debts. That is why I feel that if this amendment is accepted—this is a just amendment—it will act as a deterreht against long-drawn out proceedings. We do not argue that the employer has no right to go to court. He has a right to go to court to argue out the position as to whether the

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injury was caused to the worker actually in the course of his employment, but the worker has also a right to be guaranteed food and shelter for him and his family, some livelihood during the period when he is himself incapacitated and he is most down and out and needs protection.

There is another argument which the Government might bring forward and that is why I would like to put forward our position regarding the Employees State Insurance Scheme. The Government might say that they have put forward this Act. So that the period of incapacitation should be covered by the wages being paid to him so that he and his family may get food and shelter and can be guaranteed medical treatment as well. But, I would like to place before this House that although the Employees State Insurance Scheme has been there it is only a few States who up till now have accepted this.

Secondly, the scope of the Act itself is very restricted. If you see the schedule to which the Workmen's Compensation Act refers, you will find that it covers a very large number of industries, plantations, factories, mines, shipping companies and all sorts of industries. But we find in the Employees State Insurance Scheme, the mines are exempted, the plantations are exempted and a large number of them are exempted. It is only the places where they use power that this Act applies. Therefore, I feel that is a very restricted scheme and it does not cover the larger number of factories and industries covered by the Workmen's Compensation Act.

One of the welcome features of the amendment made by the Government to the Workmen's Compensation Act and sent to Trade Unions and Employees' Federations for their comments is that they desire to expand the number of industries and factories to which this will apply. But the other part which we should like to point out again as being a shortcoming in the Employees State Insurance Scheme *vis-a-vis* the Workmen's Compensation Act is that here the worker has to contribute to the Employees State Insurance from his meagre income. I think it is quite right to cover cases of ordinary illness not only for himself but also for his family. You know that right through the country the big demand has been that even in the areas where the State Insurance has been promulgated it has not been given to workers' families and that is a lacuna which should be covered up. But the Government has not seen its way to grant that. I suppose the argument is that they do not have the resources etc. But, I think it is better that we should not burden the scheme further by asking it to pay also in cases where the incapacity is incurred in the course of work for the employer. There I feel that categorically the employer, and he alone, should pay; for after all does he not take the entire profit accrued by the efforts of that very man whom he exploits, as long as that man can stand on his legs and work with his hands? It is only right that in the period he falls ill, when he is injured in the course of his work, the employer should guarantee his treatment, should guarantee his wages because he is permanently on the register of that factory or establishment and it is only right that he should be guaranteed his wages so that his family need not strave and they need not be thrown out in the streets. I feel that this amending Bill is necessary and, though it is a very small amendment, yet it is a very important amendment.

In November 1954 the Labour Ministers' Conference sought to have an amendment liberalising the Workmen's Compensation Act in favour of the employees. I suppose some amendments were circulated to the Trade Unions and Employees' Federations and if it is amended as suggested, I would like to say that the Government has taken one step in the right direction. For instance, they have stated that they want to delete

Schedule IV and they want to provide payment of compensation at rates varying from 40 to 50 per cent. of the wages. Now, if it has been recognised that wages is a much more dependable basis on which to compute compensation, it is all the more necessary that during the period intervening between the date of disablement and the date of the award of compensation, full wages, not part of the wages, should be paid to the employee because even with those wages it will be difficult for him to keep himself and his family going.

Then again a suggested amendment sought that during the period from the date of disablement till the recovery of the workman he should be paid 50 per cent. of the wages in case of temporary disablement. In cases of temporary disablement it is accepted that at least half wages should be paid. Here, I feel that though it has been temporary disablement, it incapacitates him from going to his place of work and earning his meagre wages. I think it is a wrong idea to give him half wages. We should give him total wages until such time as he is able to go back. The question of compensation is something quite different. That should, of course, be rationalised and the basis should be much more broad. Certain good suggestions have been made in the proposed amendment and I think we could accept some of them.

Lastly, one lacuna in the suggested amendment is that the lump sum grant has been withdrawn and it is only both in the case of total disablement and partial disablement that periodical payments are being suggested. I feel that although there is some reason for it because it may be argued that the workman out of poverty may fritter away the amount of compensation paid, we as well feel that it should be left to the discretion of the Commissioner. There should be some clause whereby, if necessary, that lump sum grant should be given so that it may really rehabilitate the man to a certain extent as allowing him to buy a piece of land or setting up a small shop and the granting of lump sum grant should not be totally debarred.

I think these are some of the most important amendments suggested by the Government but beyond that I would again urge upon the Government to accept this position that between the date of disablement and the date on which he actually gets compensation, the injured workman should be given his wages because without that his entire family and himself will be totally thrown to the dogs, he will starve and he will not be able to get his treatment.

The other point is that the total amount of expenditure for medical treatment should be borne by the employer; it should not be thrown on the State Insurance to which the employee himself is contributing.

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The third thing is that there should be no waiting period as suggested in the amendment which has been circulated by Government, that is, there will be a waiting period of only two days instead of seven days. I think there is no principle behind this suggested amendment, because even if it is two days, how can a worker having a hand to mouth existence carry on without any wages for two days? Therefore, there should be no waiting period at all. From the date of disablement to the date of compensation, the total period should be covered and he should be given wages. With these words I commend this amending Bill for the acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill further to amend the Workmen's Compensation Act, 1923, be taken into consideration."

Shri T. B. Vittal Rao: I have great confidence and found hope that the hon. Minister will accept this amendment. Ever since the adoption of the convention by the International Labour Organisation in 1929.....

Mr. Deputy-Speaker: Are there any amendments Tabled? There are no amendments on the Order Paper.

Shri V. P. Nayar (Chirayinkil): The Bill itself is an amending Bill.

Mr. Deputy-Speaker: But are there any further amendments to the Bill? I am thinking in terms of allowing time for general discussion on the Bill.

Shri V. P. Nayar: The entire time may be allowed for general discussion.

Mr. Deputy-Speaker: Two and a half hours are allotted for the Bill. At the end of two hours, the general discussion will be over and the remaining half an hour may be devoted to the clauses and the third reading of the Bill.

Shri T. B. Vittal Rao: After the adoption of the convention for payment of compensation for injuries due to accidents in industrial undertakings, this aspect of payment of compensation has been taken very seriously in many countries, especially in those countries which are members of the International Labour Organisation. The recognition of the fact that an accident to a workman involves payment by the employer tends to encourage efforts on the part of the latter to prevent accidents. This is an additional benefit which the community gains from this law.

The rate of accidents in factories and in the mines has been increasing. According to the Labour Ministry's report for 1950-51—probably that is the latest publication in the Ministry—the number of non-fatal accidents has gone up to 75,366 in 1949, and to 72,168 in 1950. Of course, it is a little less in 1950 than in 1949, but compared with what it was in 1939, that it, 35,781, there has been a very big increase. Of course, the hon. Minister may say that the figures for 1939 pertained only to the so called British India and the other States were not included in it. But if you take the accident rate, which is calculated per thousand employees, it is 30·96 in 1949, 29·11 in 1950 as against 20·43 in 1939. This amending Bill seeks to provide for the payment of compensation, that is, for the payment of wages due to absence consequent upon injuries. We were told that this amendment of the Act was engaging the attention of the Government sinces 1954 and then at the Labour Ministers' Conference. The Minister replied to one of the questions in these terms:

> "Proposals are being finalised for the amendment of the Workmen's Compensation Act, 1923, and the Payment of Wages Act, 1936."

The decision to amend the Act was taken as long ago as November 1954, but I do not know what happened to Government after that. Only recently, after the introduction of this amending Bill in this House, they have circulated a note to the various Central organisations asking for their comments regarding the proposed amendments by the Government to this Act. They would not have taken action had this amending Bill not been introduced in the House. You, Sir, know the wages of the industrial workers in India. In some industries there are no minimum wages; in some industries the average earning of a worker is less than the *per capita* national income for a family. It is so in the coal mines and also in the gold mines and other establishments. There are several thousands of workers, as for example, engaged in the construction of buildings, who do not come under the purview of this Act. This amending Bill will only affect a very small number of workers. The workers who are covered by the Employees' State Insurance Act do not come under this Act. Today in the mines we have about eight lakhs of workers—they are in the iron mines, copper mines, coal mines and so forth—and they come under this Act. A portion of the factory workers do not come under

this Act because they are covered by the Employees State Insurance Act. Only about 8 to 10 lakhs of workers are governed by the Workmen's Compensation Act, not covered by the Employees State Insurance Act. So, this Act will only affect about 18 lakhs of workers in the mines and the factories.

What the amending Bill proposes is not only to ask for payment of compensation for the period he is disabled—even if it is less than 7 days, the wages should be paid—but also for one more thing. Suppose a worker is disabled partially or totally, then under the Workmen's Compensation Act, he is entitled to compensation. From that amount, the expenses for hospitalisation are deducted. I say that the expenses for hospitalisation should not be deducted; they should be paid for by the employer. As I have stated before, this extra payment to the worker will only make the employer more careful so that he will take additional precautions and provide adequate safeguards in the factory to minimise the accidents. In view of the fact that some of the employers carry the risk themselves and some pass on the risk to insurance companies, Government have got an easy task. Their decision at the Labour Ministers' Conference is there and there are also the representatives of the four central trade union organisations who have supported this measure and who have been demanding the amendment of this Workmen's Compensation Act in favour of the employees.

In the year 1923 when this Act was made the limit was fixed at 10 days and later on it was amended and made as 7 days. Now, what we seek is amendment of that particular time-limit so that the injured worker may get some payment. It is not a fancy for a worker to get injured. Nobody will say that a worker wantonly or deliberately got injuries upon him. Today on account of rationalisation and the various kinds of machineries introduced with a view to increasing the productivity of the workers these accidents are on the increase—fatal as well as non-fatal. You will be surprised to know, Sir, that even though the productivity of a worker in the factory, according to the memorandum submitted by the Planning Commission to the members of the Labour Panel, has increased by 38 per cent. over that of 1939 the wages of the workers in the factories and the mines have not increased. According to their memorandum the real wages, as it is obtaining in 1955, is the same or a little near the wages they were getting in 1939. Therefore, though we may have some numerical increase in rupees, annas and pies, but actually according to their memorandum the real wages of the workers have not at all increased over the 1939 level.

Then, a worker today has nothing to fall back upon. We have got the Employees' Provident Fund Act which was enforced only very recently—in 1952—and according to the figures given by the hon. Minister for Labour yesterday in reply to a question, the benefit of that Act is taken only by 15 lakhs workers. There are 14 lakhs of workers who are not covered by this Provident Fund Act. In the mines I have seen that though the Provident Fund Act came into force as long ago as 1947 if we take the average figures it will be found that during the last few years some 20,000 workers or so have gone out of employment and the average amount they got from the Provident Fund is only hundred rupees. Therefore, a disabled worker has nothing to fall back upon. There is no scheme in the Government of India to help the disabled workers. At least a few years ago when a worker lost his limb he was able to get alternative employment in the factory as a chowkidar or in some other like job. Today no employer takes back a disabled worker. He is only given the compensation and he is thrown on the streets. We are hearing of some training being given but so far nothing has been done in the direction of the rehabilitation of these disabled workers. These are the several handicaps under which the

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workers in India have to put up with.

Therefore, as far as this Bill is concerned I hope the Minister will get up and say: "I accept it;" because this Act was framed in the year 1923 and later on amended, but since the dawn of Independence this Act has not been amended. Now at least after the declaration of the party in power, accepting the socialistic pattern of society I hope he will, as an earnest of the comprehensive social security measures which will spring forth from the acceptance of the socialistic pattern of society, do well to accept this Bill. Let him not say that he will bring in a comprehensive measure. Once I had been talking to the Chief Minister of my State. He said: "Whenever these amending Bills are brought in from private members" my strategy is to say that I am going to get a comprehensive Bill." Therefore, you please withdraw." If he is really trying to get a comprehensive legislation let him accept this Bill as an earnest of what he is going to do.

With these remarks I commend this Bill for the acceptance of the House.

Shri N. Sreekantan Nair (Quilon *cum* Mavelikkara): This Bill, according to what has already been stated, here, is a very simple Bill. In fact, it is a Bill introduced to serve certain humanitarian purposes. It is from that point of view that this Bill has to be considered.

But, apart from that aspect there is also the aspect of human rights. The number of workers affected does not really come to such figures as has been represented by my friend Shri Vittal Rao because wherever the employer is sane, wherever the employer is decent, wherever a group of employers have accepted some of the standing orders, these provisions have already been given effect to, so much so, only the recalcitrant employers, only the employers who are scum of society would refuse to give this concession to the workers who build up their fortunes.

What is this concession after all? There is an accident and a man is wounded. Naturally, he has got to be removed to a hospital and treated. Why should any employer who is a human being deny this facility to a worker? No ordinary employer will deny this right to his worker. But, those recalcitrant employers who are prepared to deny this, who are prepared to refuse this human treatment to their employees get the support of the Government. They are favoured to avoid the payment for the first seven days. Sir, may I ask what is the most important period when a wounded man needs the help of his employer? It is immediately after the accident—the first seven days. As a matter of fact on the very first day of the accident he does not go to the factory taking some money, hoping that he would be wounded. He, naturally, will not have any provision to get him shifted to the hospital and to initiate treatment. He meets with the accident when he is not prepared for anything and at such a time to remove him to hospital and to give the necessary treatment is the most humanitarian thing which any human being can claim, much more so an employee in a factory.

This right has been denied due to certain misapprehensions. I think when the enactment was made, certain misapprehensions arose that the workers would fake accidents and try to get compensation. It was because of that suspicion, this clause has been introduced. This Section 3(i) (a) naturally has proved that the employers who are inhuman could utilise it to the detriment of the interests of workers.

As I have already pointed out, there are only very few employers who refuse to give compensation for the first seven days. As a matter of fact, there are some aspects of the Bill which I would like this House to concentrate upon. Actually, there are four aspects to the newly introduced amending Bill which will have to be considered. The first is to re-

move the seven days' interval between the accident and the date on which the worker is entitled to compensation as per the existing Act. The second is to provide full wages during the period of incapacitation. The worker gets an accident, but why should he be given half the wages during the period when he suffers? He suffers physical pain; he is suffering terrible physical pain and when he is undergoing this hardship and has to be taken to the hospital and be treated. When he is putting up with all this trouble and over and above all this, when his family is starving, why should he be given half wages? To say that during the period of the treatment he should be given full compensation is only to say that the worker should have the ordinary right of getting his legitmate due.

The third aspect is to differentiate between wages and compensation in the matter of minor injuries. Here, I have known of cases of workers whose hands have been chopped off. After two or three months, the payment excluding the first seven days', starts with 50 per cent. of the wages. By the time the compensation is decided, the poor worker runs out of his entire money so that he can get at the end only Rs. 10 or 15. That method is certainly wrong, because the lump sum payment is intended to be given to provide him a footing in some other sphere, so that the compensation must be different from the wages during the period of his incapacitation, and he should be assumed to be continuing in the service of his employer. So, if this compensation amount is not differentiated from the wages that he should get during the period of his incapacitation, there would be nothing for the worker to put off or to lay by at the end of his treatment.

The fourth aspect is to enforce the payment of the expenses of the treatment.

No reasonable employer would really object to these four aspects. Decent firms in India give these benefits though not compelled by law. The standing orders framed in most of the factories and most of the institutions accept these aspects, and where they are not accepted by the recalcitrant employers, they must be enforced, and that is why a Government is functioning. This Government which claims to be a Republic—I need not emphasise on it—and with the avowed object of the socialist pattern of society, should accept these measures. We know how the workers are moving. We know how the Government is also moving. It may be that at some future date, the socialist pattern of society may come into being. But what I say is, these measures to which I referred are being implemented by all reasonable employers. Therefore, it is absolutely necessary that the recalcitrant, anti-human element among the employers should not be permitted to benefit by their recalcitrancy and cruelty. So, this Bill must be accepted in its entirety by the Government, and I hope it will be accepted.

श्री आर० आर० शास्त्री (जिला कानपुर मध्य) : जो संशोधन विधेयक सदन के सामने पेश किया गया है मैं उसका समर्थन करने के लिये खड़ा हुआ हूं ।

अभी मेरे पूर्व वक्ताओं ने यह विश्वास प्रकट किया है कि चूंकि यह विधेयक इतना आवश्यक है और इतना साधारण है कि माननीय मंत्री जी इसको स्वीकार करने में किसी प्रकार से इन्कार नहीं कर सकते । मैं भी चाहता तो यही हूं कि यह विधेयक स्वीकार कर लिया जाय, लेकिन मुझे इस बात में बड़ी आशंका है, और वह इसलिये कि आम तौर से यहां पर ऐसा होता नहीं है कि कोई भी चीज जो इधर से पेश की गयी हो वह उधर से स्वीकार करा ली जाय ।

शायद सरकार की तरफ से ही कोई ऐसी चीज आवे तो वह चाहे स्वीकार कर ली जाये । तो अगर

[श्री आर० आर० शास्त्री]

आज यह विधेयक सरकार की तरफ से स्वीकार कर लिया जाता है तो मेरे लिये तो यह एक बहुत बड़ा मिरेकिल (आश्चर्य) ही होगा । लेकिन फिर भी हम यह चाहते हैं कि जो मुनासिब बात इधर से आवे उसे तो माननीय मंत्री जी स्वीकार कर लें । यह मुनासिब बात नहीं होगी कि किसी मुनासिब चीज़ को भी वे इसलिये अस्वीकार कर दें कि वह इस तरफ से पेश की गयी है । मैं उम्मीद करता हूं कि जो विधेयक पेश किया गया है उसे वह स्वीकार करने की कृपा करेंगे ।

जैसा कि अभी कहा गया है, चोट लगने पर मजदूरों को मुआवजा देने का कानून सन १९२३ में इस देश में बना था । तब से लेकर आज तक जमाना बहुत कुछ बदल चुका है । जब वह कानून बना था तब वह जमाना था जब कि कारखानों के मालिक मजदूर को मजदूर न समझ कर एक मशीन का पुर्जा समझते थे और उसके साथ सलूक भी वैसा ही होता था । मुझे वे दिन याद हैं जब कि इस कानून के होते हुये भी अगर कोई मजदूर कारखाने में मर जाता था और उसकी संतान की तरफ से इस बात का सवाल उठाया जाता था कि मजदूर को कानून के मुताबिक मुआवजा मिलना चाहिये, तो, विश्वास मानिये, मालिकों की तरफ से हमेशा इस बात की कोशिश होती थी कि जहां तक बस चल सके मुआवजा न दिया जाय । मैंने वर्कमैन्स कम्पेन्सेशन एक्ट (कर्मकार प्रतिकर अधिनियम) के मातहत मजदूरों के बहुत से मुकदमें लड़े हैं, और दो चार मुकदमों में तो मुझे यहां तक तजर्बा हुआ कि एक मजदूर के मरने पर उसके नाबालिग बच्चे की तरफ से जब हम लोग मुकदमा लड़ने गये तो मालिक ने यहां तक कहा कि चाहे हमारी फैक्टरी की एक एक इट क्यों न बिक जायें, लेकिन हम किसी भी हालत में इस मुआवजे को देने के लिये तैयार नहीं हैं । और एक दो बरस नहीं, लगातार पांच छः साल तक मुकदमा लड़ा गया और जब तक हाई कोर्ट से मजदूर नहीं जीत गया तब तक मालिक ने उसको एक पैसा देने की कोशिश नहीं की । मेरे कहने का मतलब यह है कि कानून होते हुये भी यह उम्मीद नहीं करनी चाहिये कि कोई मालिक खुशी से मुआवजा दे देगा । केवल इसी देश में ऐसा नहीं होता हमने और देशों में भी यही देखा है । और यही सारे ट्रेड यूनियन (कार्मिक संघ) आन्दोलन का आधार रहा है कि मजदूर अपने संगठन के बल पर जो कुछ ले पाता है वही मिलता है । कोई मालिक खुशी से देने को तय्यार नहीं होता । तो मैं यह कह रहा था कि कि सन् १९२३ से आजतक बहुत कुछ जमाना बदल चुका है । आज हमने समाजवादी व्यवस्था को अपने यहां लाने का ध्येय स्वीकार कर लिया है, और हमने इस बात को भी स्वीकार कर लिया है कि हमें उन्नति करनी है, इस के बाद दूसरी पंचवर्षीय योजनायें बनाना है, देश का उत्पादन बढ़ाना है और इस तरह हमें अपनी राष्ट्रीय आय बढ़ानी है । इस बात को भी आजकल हर व्यक्ति मानता है कि अगर हमको देश में व्यवसाय को बढ़ाना है, अगर हमको देश का उत्पादन बढ़ाना है और देश की उन्नति करनी है, तो इसमें सब से महत्वपूर्ण स्थान मजदूरों का होना चाहिय । बिना मजदूर की मेहनत के अगर हम चाहें कि हम देश का उत्पादन बढ़ालें तो यह असम्भव है । वह जमाना बदल गया है जब हम मजदूर को केवल एक पुर्जा समझते थे । अब वह जमाना आया है जब कि मजदूर को समाज में सर्वोच्च स्थान दिया जाना चाहिये । तो हम यह चाहते हैं कि इसी भावना से प्रेरित होकर मंत्री जी इस वक्त जो विधेयक सदन के सामने पेश है उस पर विचार करें ।

जैसा कि अभी वर्कमैन्स कम्पेन्सेशन एक्ट (कर्मकार प्रतिकर अधिनियम) से उदाहरण

देकर श्रीमती रेणु चक्रवर्ती ने बताया, यह सही है कि मुआवजा दिया जाता है, यह सही है कि कानून न यह स्वीकार कर लिया गया है कि अगर मजदूर का हाथ पैर कट जाये तो उसे मुआवजा दिया जाये । लेकिन आप उन दफाओं को देखें कि उनमें मुआवजे की रकम क्या लिखी हुई है, कि हाथ कट जाने पर इतना फी सैकड़ा दिया जाये और पैर कट जाने पर इतना फी सैकड़ा दिया जाये । इस रकम को देख कर आप अन्दाजा लगा सकते है कि मजदूर की क्या हैसियत समझी गयी थी । उदाहरण के लिए अगर एक मजदूर का दाहिना हाथ कट जाता है तो यह मान लिया जाता है कि सिर्फ इतनी ही पर सेंट का नुकसान हुआ है । यह बात तो बिल्कुल अमानुषिक मालूम होती है । मानी हुई बात है कि मजदूर काम करेगा अपने हाथ से । अगर उसका हाथ ही कट गया, तो जहां तक उसकी अर्निंग कैपेसिटी (उपार्जन शक्ति) का ताल्लुक है वह तो सम्पूर्ण रूप से नष्ट हो गयी । तो जो पुराने जमाने में सिद्धान्त माने गये थे उनको छोड़ कर और नये सिद्धान्तों को लेकर हमें अपने मजदूरों के साथ व्यवहार करना पड़ेगा । जब मैं इस पृष्ठभूमि में देखता हूं तो मुझे कोई वजह नहीं मालूम होती कि जो संशोधन विधेयक इस सदन में पेश किया गया है उसे क्यों न मंजूर किया जाये । मैं महसूस करता हूं कि सरकार भी इस उसूल को मान रही है कि यह कानून बहुत पहले बना था और अब उसमें सुधार की आवश्यकता है । जैसा कि अभी सदन के सामने सरकार की तरफ से बताया गया कि ट्रेड यूनियंस (कार्मिक संघ) के पास, प्रदेशों की सरकारों के पास, इसमें जो सरकार संशोधन करना चाहती है, उसके सम्बन्ध में लिखा पढ़ी की गई । इसके मानी यह हैं कि सरकार भी इस बात को महसूस करती है कि कानून पुराना हो चुका है और इसमें संशोधन की आवश्यकता है और मैं आशा करता हूं कि जहां और तमाम संशोधन गवर्नमेंट (सरकार) की तरफ से पेश किये गये, वहां इस क़ानून में भी वह जरूरी संशोधन करेगी ।

यह जो संशोधन विधेयक पेश किया गया है, इसमें खास तौर पर इस बात पर जोर दिया गया है कि अगर मजदूर काम करते वक्त घायल हों जाता है तो पुराने क़ानून में तो वेटिंग पीरियड (प्रतीक्षा काल) दस दिन का था जिसको कि घटा कर सात दिन का बाद में कर दिया गया । अब आप सोचिये कि अगर किसी मज़दूर के चोट लग जाती है और जैसा कि अभी उदाहरण दिया गया कि वह ६ दिन तक कारखाने में काम पर नहीं जा पाता, उसको चोट लगी है, तो क्या सचमुच वह किसी पैसे के पाने का हक़दार नहीं है, चूंकि कानून कहता है कि उसको इतना घायल होना चाहिए कि सात दिन तक वह काम पर नहीं आसके, तब तो उसे पैसा मिलेगा वरना पैसा पाने का उसको हक़ नहीं होगा यह भी क्या बात हुई कि ६ दिन तक घायल हो तो कोई पैसा नहीं मिले और जब सात दिन से ज्यादा घायल हो जाये तो उसको पैसा मिले । मान लीजिए कि एक मजदूर घायल हो गया है, आज वह काम पर नहीं आ सकता है, पैसा वह कमा नहीं सकता है और अपन बाल बच्चों की परवरिश नहीं कर सकता, तो उसे उस दिन का वेतन मिलना ही चाहिए । यह मानी हुई बात है कि और हम और आप जब जानते हैं कि मजदूर की हैसियत ऐसी नहीं है कि वह घायल होन पर अपने परिवार का भरण पोषण कर सके, न मजदूर के पास कोई बैंक बैलस (बैंक पूंजी) है और न ही उसके पास इतनी बचत का पैसा होता है कि वह कुछ दिन तक भी अपने परिवार के लोगो का पेट पाल सके और उसके और उसके समूचे परिवार का भरण पोषण उस मज़दूरी पर निर्भर करता है जो उसे काम करने के एवज में मिलती है । वास्तव में मज़दूर को अधिक से अधिक सहायता की आवश्यकता तब होती है जबकि उसको चोट लग जाती है

[श्री आर० आर० शास्त्री]

और हमारे क़ानून भी कुछ विचित्र प्रकार के हैं कि जिस समय उस मज़दूर को सब से अधिक सहायता की आवश्यकता होती है, उस वक्त उस को पैसा नहीं दिया जाता है और मैं समझता हूं कि आज जो संशोधन विधेयक पेश किया गया है, उसमें मूलभूत सिद्धान्त और मूलभूत भावना यही है कि जिस वक्त मज़दूर घायल हो जाता है, उस वक्त से जब तक वह अच्छा न हो जाये, उसको पैसा मिलना चाहिए । मुझ यह देख कर बड़ी खुशी हुई कि सरकार की तरफ़ से भी जो संशोधन आ रहा है, उसमे इस बात की कोशिश की जा रही है कि वेटिंग पीरियड (प्रतीक्षा काल) को कुछ कम कर दिया जाये । सदन में जो विधेयक पेश है उसके अनुसार जब से उसको चोट लगती है, उसी वक्त से वह पूरा पैसा पाने का हक़दार होता है । यह चीज सही है कि हमारे देश में जो वरकर्स स्टेट इंश्योरस (कर्मकार राज्य बीमा) मज़दूरों के वास्ते बीमा योजना है, उससे मज़दूरों को बिमारी के वक्त में सहायता मिलती है लेकिन अभी तक जो हालत है वह यह है कि मज़दूर को तो आर्थिक सहायता मिलती है लेकिन मज़दूर का जो परिवार होता है, वह अभी उस सहायता से बाहर है । मज़दूर सिर्फ अपना ही अकेले का तो भरण पोषण नहीं करता, उसके साथ उसका परिवार होता है, उसके बीवी और बाल बच्चे होते हैं जिनका कि उसको भरण पोषण करना होता है । और इसलिए आज जब कि स्टेट इंश्योरेंस (राज्य बीमा) में मज़दूर का परिवार नहीं आता है तो यह बहुत आवश्यक हो जाता है कि ऐसी व्यवस्था हो कि उसको जब से चोट लगती है तब से उसे वेतन मिलना चाहिए और पूरा वेतन मिलना चाहिए । मैं चाहता हूं कि यह क़ानून उन छोटे छोटे कारखानों में भी जहां मज़दूर काम करते हैं, वहां लागू होना चाहिए । उनको भी इस क़ानूनी सुविधा के दायरे के अन्दर लाने का प्रयत्न होना चाहिए । हमारे बहुत से ऐसे मज़दूर भाई हैं जो कि ठेकेदारों के अंडर (अधीन) काम करते हैं और ठेकेदारों की सदैव यह चेष्टा रहती है कि किसी तरह वह अपने को ऐसे क़ानून से बचा ले जायें ताकि वे अपने यहां के मज़दूरों का अधिक-से-अधिक शोषण कर सकें और इसलिए हमें इस क़ानूनी सुविधा को ऐसे मज़दूरों के लिए भी सुलभ करना चाहिए । छोटे-छोटे कारखानों में काम करने वाल मज़दूरों को और ऐसे ठेकेदारों के नीचे काम करने वाले मज़दूरों को भी इस दायरे में लाया जाये और उनको भी इस तरीक़ से मुआवज़ा दिया जाये । जो हालात इस वक्त हमारे देश की हैं और जिस तरह से डेवलपमेंट के विकास के कामों में हम लगे हुए हैं, उन सारी चीजों को देखते हुये मैं सदन से इस बात की दरख्वास्त करूंगा कि वह इस संशोधन विधेयक को पास करने की कृपा करे ।

Mr. Deputy Speaker: Shri S. L. Saksena.

Shri Achuthan (Crangannur): Members on this side also may be given a chance.

Mr. Deputy-Speaker: I have got the list of names; I will call them one by one.

श्री एस० एल० सक्सेना (जिला गोरखपुर उत्तर): मैं समझता हूं कि यह जो संशोधन विधेयक पेश हुआ है वह बहुत ही उपयुक्त है और तत्काल स्वीकार किया जाना चाहिये ।

अभी सरकार की ओर से कहा गया कि श्री राजाराम शास्त्री की तरफ से जो संशोधन आता है वह इस लायक नहीं होता कि स्वीकार किया जाये . . .

श्रम उपमंत्री (श्री आबिद अली) : मुनासिब हो तो स्वीकार किया जायेगा ।

श्री एस० एल० सक्सेना : "दैट मीन्स, इट इज नोट मुनासिब" । वैसे हमारे श्री आबिद अली तो स्वयं मजदूरों के क्षेत्र में काम करने वाले पुराने कार्यकर्त्ता हैं और उन्हें मजदूरों की हालत का और उनकी कठिनाइयों का बखूबी अनुभव होगा

और उन्होंने स्वयं बहुत से मजदूरों को कम्पसेशन (प्रतिकर) दिलवाया होगा और वे जानते होंगे कि मुआविजा मजदूरों को कितने समय के बाद मिलता है । मजदूर को इस मुआविजे की सब से अधिक आवश्यकता तो उस समय होती है जब कि काम पर उसको चोट लग जाती है और जब कि वह अस्पताल में महीने या दो महीने पड़ा रहता है और आप समझ सकते हैं कि बीमार पड़ने पर और चोट लगने पर उसकी कितनी बुरी हालत होती होगी । उधर तो उस बेचारे मजदूर का हाथ पैर कट गया, काम पर जा नहीं सकता और उधर अस्पताल में इलाज कराने के लिये उसके पास पैसा नहीं होता । मैं समझता हूं कि कम्पेंसेशन ऐक्ट के अन्दर बहुत सी त्रुटियां हैं और मैं समझता हूं कि इस संशोधन विधेयक को लाकर एक बहुत बड़ी त्रुटि के अंश को पूरा किया गया है और इस नाते यह स्वागत योग्य है । साथ ही मैं समझता हूं कि मंत्री महोदय को सन् २३ के ऐक्ट (अधिनियम) को एक सिरे से रिवाइज (पुनरीक्षित) करना चाहिये, उसको बने आज ३२ साल हो गये और इस अर्से में मुल्क में बहुत तबदीलियां आगयी हैं, हमारा मुल्क अब आजाद हो गया है और इस नाते भी हमें उस पुराने ऐक्ट में रद्दोबदल करना है और उसको मजदूरों के लिये अधिक से अधिक हितकारी बनाना है । जैसा हमारे भाई श्री राजाराम शास्त्री ने बतलाया हमें ऐसा कानून बनाना है जिसमें मजदूरों को चोट लगने पर उनकी उचित डाक्टरी देखभाल हो सके और जितने दिन वे काम पर न जा पाये, उतने दिन का वेतन उन्हें मिलता रहे । तो हमें इस तरह की तबदीली अपने कानून में करनी है । आजकल हम दुनिया में एक अहम् पोजीशन (महत्वपूर्ण स्थिति) हासिल कर चुके हैं और हमारे मुल्क में विदेशी लोग आये हुए हैं और हमें उनसे इस दिशा में सबक लेना चाहिये कि बाहर के देशों में मजदूरों की अवस्था यहां के मजदूरों के मुकाबले कितनी अधिक प्रगितिशील है । रूस के अन्दर मैं ने देखा है कि वहां पर मजदूरों के साथ जो बर्त्ताव होता है, वैसा अच्छा बर्त्ताव शायद दुनिया में और कहीं नहीं होता है । रूस में अगर मजदूर बीमार पड़ता है तो दो चार साल तक जब तक कि वह अच्छा नहीं हो जाता, उसकी पूरी जिम्मेदारी सरकार पर होती है और जब तक डाक्टर कह न दे कि यह आदमी अच्छा नहीं होगा, उस वक्त तक उसको कम्पेंसेशन नहीं मिलता । वहां मजदूर के बीमार पड़ने पर अच्छे से अच्छा डाक्टरी इलाज उसके लिये जुटाया जाता है और जरूरत पड़ने पर उसको सैनिटोरियम (आरोग्यशाला) में रक्खा जाता है और लग कर उसका वहां पर इलाज किया जाता है । अगर मजदूर के चोट लग जाये तो उसके लिये पूरे दवा दारू का इन्तजाम होता है और हर तरह से सरकार उसको मदद करती है। और वहां के मजदूर को दिल में यह यकीन रहता है कि मुझे कोई तकलीफ नहीं होने पावेगी और अगर होगी तो सरकार मेरी मदद करेगी और मेरी देखभाल की सारी जिम्मेदारी सरकार अपने ऊपर लेगी । अगर हम चाहते हैं कि हमारे मजदूर दिल लगा कर काम करें और ज्यादा काम करें तो जरूरी है कि उनके चोट लगने पर जो उन्हें तकलीफ़ या दुश्वारी पेश आये, उसे हमें दूर कर देना चाहिये । मैं चाहता हूं कि चोट लगने पर मजदूर की सहायता वाली बात सिर्फ बड़े कारखानों में काम करने वाले मजदूरों तक ही सीमित नहीं रखनी चाहिये बल्कि ठेकेदारी मजदूरों के लिये और जितने और भी छोटे छोटे कारखाने हैं उनमें काम करने वाले मजदूरों को भी यह सुविधा या रिआयत मिलनी चाहिये कि चोट लगने पर उनके इलाज का माकूल (उपयुक्त) इन्तजाम हो और साथ ही चोट के दिनों का वेतन उन्हें पूरा मिले । आज हम देखते हैं कि चोट लगने पर मजदूरों के लिये माकूल डाक्टरी

[श्री एस० एल० सक्सेना]

चिकित्सा का प्रबन्ध नहीं है। कोई कायदे का अस्पताल नहीं है और मामूली कम्पाउंडर होता है जिसके पास पूरी दवा भी नहीं होती है। जब कि दूसरे मुल्कों में आप इसके विपरीत हालत पायेंगें। रूस में ताशकंद में आप देखिये, वहां पर एक बड़ी फ़ैक्टरी में मजदूरों के इलाज के लिये एक बड़ा अस्पताल बना हुआ है जहां पर ५ सौ, ६ सौ डाक्टर्स रहते हैं। वहां हर तरह का इन्तज़ाम है और सरकार मजदूरों के दवा दारू और इलाज और खर्चे वगरह की पूरी जिम्मेदारी अपने ऊपर लेती है। जहां तक इस बिधेयक का सम्बन्ध है यह बहुत आवश्यक है और में समझता हूं कि मंत्री महोदय यह न कह कर कि यह उचित नहीं है, इसको स्वीकार कर लें।

Shri Achuthan: I support this Bill. To me, it seems to be a lacuna in the law. There should not be any loopholes which could be made use of by the employers. An employer is also a human being, and generally good employers will not say, I will not give any wages or the medical expenses, I will not give you compensation. In my part of the country, I have not come across any cases where an injured worker has been deprived of his wages until he gets compensation. If there is any lacuna in the law, it must be filled up by a legal provision. We are going through large schemes of industrialisation. Do we mean to say that the other sections of labour, and the agriculturists, are to be denied these benefits? No. All must be given. Especially, I must say, in the case of organised labour, it would be better if provision is made in the Workmen's Compensation Act. Government have been saying that they propose to bring a comprehensive measure touching all aspects of labour problems. It is good if such a measure comes before this House. We will debate on that and all loopholes will be plugged, all sections of the House contributing their thought to the matter. It is a humanitarian measure. It simply says that if a worker gets a personal injury and is not able to do his work, he must be given his daily wages. The wages are not high. Any human being requires his wages for his maintenance and for the maintenance of his family. He has come by the injury by no fault of his. Nobody would welcome an injury. It is by an accident that a men comes by a personal injury. The employer also must be made liable to pay for the medical expenses of the worker. Otherwise, he will say, I will pay the wages, but I will not pay for the medical treatment. If there is a provision to the effect that the worker should be well looked after and treated and the expenses should be paid by the employer, the employer also will take care to see that all precautions are taken in the factory, so that these accidents will be less and less. Any way, it is only a precautionary measure. If the employer has to pay the wages and medical expenses if a worker is injured, the employer will also be guarded. Altogether, this is a good measure and I do not think that Government will have any objection to accept it. I whole-heartedly support it

Shri Tushar Chatterjea: (Serampore): While supporting this Bill, I want to stress a few points that have not been put forward. I will draw the attention of the Deputy Minister to one very important aspect of this Bill, which though it looks small, is very important.

The Bill seeks to remedy two problems. Firstly, it demands that provision should be made that when a worker suffers an injury in the course of his work, he should be paid his wages till compensation is paid according to the rules. Secondly, under the principal Act unless the worker is disabled for more than 7 days, no compensation is to be paid. That defact is to be removed. I want to draw the attention of the hon. Deputy Minister to this second aspect, particularly. Being connected with many trade union organisations I know that

on account of this small loophole in the Workmen's Compensation Act, a large number of workers have suffered. Just consider this. A worker is slightly injured. Even on account of this slight injury, he has to absent himself from work for 3 or 4 days. For these 3 or 4 days, he cannot attend to his work and he is compelled to remain in his house. For these 3 or 4 days, he will neither get his daily wages, nor will he get any compensation, unless the disability is of such a nature as to demand absence for 7 days. Many workers have complained to me about this: I am really disabled: for these 3 or 4 days. I am deprived of my normal wages, and also I am not entitled to get any compensation. I know of a particular case. A worker came to me and showed his hand. His hand was slightly injured. Actually, he had to go to the doctor daily. The doctor wanted him to be at rest for 4 days. That worker, in spite of his hand being injured, requested the doctor to give him a fit certificate so that he could go back to his work and earn his daily wages. It is really a peculiar provision. Unless you remove this defect, unless you give the workers the right to get wages for these days, a very large number of workers will suffer under the present circumstances. While supporting this Bill while pleading for the acceptance of all the provisions embodied here, I particularly draw the attention of the Labour Minister to this aspect of the case and request him to accept this Bill.

So far as general compensation is concerned, I know a number of cases where it has been the effort of the employer, somehow or other, to delay the compensation case, or somehow or other defer the case, or somehow or other avoid payment of compensation. The poor workers who have to go to the court, if they have got to wait for months and months, find this an impossible thing. He is not able to support himself and his family. Therefore, this Bill removes a long-felt difficulty of the workers. I hope the Deputy Minister will accept this measure.

Shri N. B. Chowdhury (Ghatal): The necessity to bring this Bill has arisen because of the irrational and the anti-labour provisions made in the existing Workmen's Compensation Act of 1923. Here, the Bill makes three main provisions. The first is to see that the worker does not suffer during the period when the compensation is not settled and he has nothing to fall back upon. The second provision is that if any expenses are incurred on account of hospital charges, the employer will be held responsible, for the payment of these expenses. The third provision is that the injured workman will get his wages for the period for which he is not declared medically fit to work.

It is quite understandable that previously during the British regime, they did not have the necessary sympathy for the workers. They were only interested in exploiting the workers as much as they could. But now, after the attainment of independence it is naturally expected that the workers should be treated with sympathy and that they should get their dues. We hear from the hon. Prime Minister that we have to build the country from the base. Now, who forms the base? It is the workers and the peasants, the primary producers in our country. It is the workers who are creating the surplus, the profits for the industrialists. They are responsible for the capital formation of which they speak so much. Now, when these workers are in such difficulties, when they are incapacitated, the employers do not give them even the meagre amount of money which would somehow help them to keep the wolf out of the door. But here, according to the existing provisions, the workers continue to suffer. So, one of the primary tasks that the Government should have undertaken after the attainment of independence was to amend such Acts, but they have not done so. It is after the workers' struggle, it is after a lot of agitation throughout the country, after repeated demands by the different

[Shri N. B. Chowdhury]

central trade union organisations and after this Bill has been brought here in this House that they have circulated some sort of suggestions for the amendment of the existing Act.

In the existing Workmen's Compensation Act, 1923, under section 3 we find that the employer has the liability to pay compensation in certain circumstances. I am quoting here section 3 of the original Act:

> "If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter:
>
> Provided that the employer shall not be so liable—
>
> (a) in respect of any injury, not resulting in death, caused by an accident which is directly attributable to—
>
> (i) the workman having been at the time thereof under the influence of drink or drugs, or
>
> (ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or
>
> (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workman."

These provisions would indicate how it has become possible for the employers to evade the payment of compensation even under the provisions which have been provided under this Act.

We have received so many reports that particularly in mines attempts have been made even to tamper with the attendance register. There have been cases where the workers have been killed as a result of mine accidents, but it has been attempted by the owners of the mines to show that those workers were not present there, that they did not attend duty on that particular day, in order to avoid payment of compensation, and in order to avoid this record of accidents.

Such things also happen with regard to the other provisions stated here, with regard to this drinking and the worker not obeying or flouting the orders etc. On frivolous pleas they have tried to avoid the payment of compensation. So, it is very necessary that, now that we are speaking of building the country from the very base, now that we say that the workers are responsible for running our industries and creating wealth, we should pay attention to them and see that they do not suffer from such handicaps.

We are providing a large amount of money for payment to the industrialists, sometimes even without interest, for carrying on rationalisation schemes. And these rationalisation schemes will be carried on particularly in the jute industry and in certain cases in the textile industry also. It has already been stated that though the worker's productivity has increased by 38 per cent. during these years, the real wages of the workers have not increased. As a result of the execution of these rationalisation schemes what will happen is that the intensity of work will increase and the risk also will increase. It has also been pointed out that in certain cases the number of accidents has also increased. So, in such circumstances, it is very necessary that there should be a proper compensation scheme which will satisfy the workers. But it is really surprising that the Government is sitting tight over the old provisions of the law, and have done nothing up till now. So, when this small amending Bill has been brought here, we all expect that the Government would not hesitate, would not stand on prestige, but would accept this Bill, and would bring forward a more comprehensive Bill whereby all the lacunae in the existing Act will be removed, and a reasonable, rational and proper

compensation scheme will be evolved so that the workers will be satisfied and there will be no scope for the employers to avoid the responsibility which is certainly theirs.

With these words, I support this Bill.

श्री आबिद अली : इस बिल के बारे में जो कुछ यहां पर कहा गया है उसके सम्बन्ध में मैं यह कहना चाहता हूं कि जो उस तरफ से कहा गया है कि जो कुछ भी उनकी तरफ से पेश किया जाता है वह स्वीकार नहीं किया जाता, मेरे विचार में उचित न होगा। जो भी मुनासिब चीज होती है, चाहे वह कहीं से भी आये, उसको स्वीकार करना हमारा फर्ज है और हम ऐसा करते भी हैं। इस एमेंडिंग बिल के बारे में तो मैं यह अर्ज करना चाहता हूं कि इसमें जो कुछ भी कहा गया है उसमें से बहुत कुछ उचित है। लेकिन इस वक्त इसको स्वीकार कर लेना सम्भव नहीं है। इसकी वजह यह है कि जैसा कि लेडी मैम्बर ने फरमाया कि न सिर्फ वह चीजें जो इस बिल में कही गई हैं बल्कि बहुत सी और एमेंडमेंट्स (संशोधन) हम वर्कमज कम्पैसेशन एक्ट (कर्मचारी प्रतिकर अधिनियम) में खुद ही कर रहे हैं और उसके लिये हम एक बिल यहां पेश करने वाले हैं। वह बिल इस बिल के इस सभा में पेश करने के बाद तैयार नहीं किया गया है। वह बिल तो जैसा कि एक आनरेबल मैम्बर (माननीय सदस्य) ने फरमाया पिछले साल यानी सन् १९५४ में ही हम ने लेबर मिनिस्टर्ज कान्फ्रेंस (श्रम मंत्री सम्मेलन) में रखा था। लेकिन मुश्किल यह है कि इस किस्म के एक्ट्स (अधिनियमों) में यदि हम कोई एमडमेंट्स करना चाहें तो जल्दी से हम कर नहीं पाते। बहुत सी रुकावटें हमारे रास्ते में आती हैं। पहले तो हमको स्टेट गवर्नमेंट्स की सलाह लेनी होती है, उसके बाद लेबर कान्फ्रेन्स में हमें रखना होता है, फिर मजदूरों और कारखानेदारों की जो संस्थायें हैं उनकी राय लेनी होती है और जो मिनिस्टरीज (मंत्रालय) मजदूरों को एम्पलाय (नियुक्त) करती हैं, उसकी राय भी लेनी जरूरी होती है। इन सब की राय आने के बाद हम इन सूचनाओं को फिर से इन सब संस्थाओं के पास भेजते हैं। तो इन सब चीजों को पूरा करने के लिय काफी समय लग जाता है इसमें करीब करीब डेढ़ साल लग गया। इसके बाद जब इन सब संस्थाओं के पास हमारी सूचनायें गईं .....

5 P.M.

Mr. Deputy-Speaker: The hon. Minister may continue on the next non-official day.

INDIAN TARIFF (THIRD AMENDMENT) BILL

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934.

Shri Kamath (Hashangabad): It is now five o'clock. Can it be introduced now?

Shrimati Renu Chakravartty (Basirhat): It is there in the Order Paper.

Shri Kamath: I know it, but why this late hour?

Mr. Deputy-Speaker: This is a tariff Bill. So, advisedly it has been put down for introduction at this hour. Possibly they did not want to introduce it before the stock exchanges closed for the day. The hon. Member is well aware of it.

The question is:

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934."

The motion was adopted.

Shri T. T. Krishnamchari: I introduce* the Bill.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday the 3rd December 1955.

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*Introduced with the recommendations of the President.

DIALY DIGEST

[*Friday, 2nd December*, 1955.]

COLUMNS

APERS LAID ON THNE TABLE 1035—1041

1. A copy of the Notification No. S.R.O. 2247 dated the 12th October, 1955, cancelling the Ministry of Food and Agricultural Notification No. S. R.O. 2740 dated the 25th August, 1954.

2. A copy of the Explanatory Statement giving reasons for immediate legislation by promulgation of Delhi (Control of Building Operations) Ordinance was laid on the Table of the House as required under Rule 89 (1) of the Rules of Procedure and Conduct of Business of Lok Sabha.

MOTION FOR ADJOURNMENT 1035—39

The Deputy Minister of Home Affairs made a statement in connection with the adjournment motion given notice of by Shri Dasaratha Deb and Shri Biren Dutt regarding the situation created by the alleged police excesses in Ratachera in Agartala (Tripura). After hearing the Members who had given notice of the motion the Speaker further postponed his decision on the admissibility of the adjournment motion to enable Government to make a complete enquiry into the matter.

ANNOUNCEMENT REGARDING BILL PASSED. 1039

The Speaker informed the House that the Railway Stores (Unlawful Possession) Bill as passed by Rajya Sabha and reported by the Select Committee of the House was passed by the House and being transmitted to Rajya Sabha for their concurrence in the admendments to the Bill made by the House and that a message was accordingly being sent to Rajya Sabha.

COLUMNS

CORRECTION OF ANSWER TO STARRED QUESTION. 1040

The Deputy Minister of Defence made a statement correcting the reply given to supplementaries on Starred Question No. 1137 on the 25th August, 1955.

BILLS INTRODUCED... 1040—41, 1152

1. Part C States (Laws) Amendment Bill.
2. Delhi (Control of Building Operations) Bill.
3. Prevention of Disqualification (Parliament and Part C States Legislatures) Amendment Bill
4. Indian Tariff (Third Amendment) Bill.

CONSIDERATION OF BILL... 1041—92

Citizenship Bill, as reported by Joint Committee was considered. Discussion on the motion to consider was not concluded.

REPORT OF COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS ADOPTED..... 1092

Fortieth Report was adopted.

PRIVATE MEMBERS' BILL WITHDRAWN.... 1092

Indian Penal Code (Amendment) Bill, 1953 (*Insertion of new section 294B*) by Shri Nageshwar Prasad Sinha.

PRIVATE MEMBERS' BILL NEGATIVED.... 1093—1119

Further consideration of Indian Convert (Regulation and Registration) Bill by Shri Jethalal Joshi was resumed. The motion to consider was negatived.

CONSIDERATION OF PRIVATE MEMBERS' BILL 1119—52

The Workmen's Compensation (Amendment) Bill (*Insertion of new section 3A*) by Shrimati Renu Chakravartty was considered. Discussion on the motion to consider was not concluded.